



W.P(MD)No.4779 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4779 of 2023

A.Sebastian

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

5.The President,
Paruthikanmai Panchayat,
Kalaiyarkovil Union,
Sivagangai District.

6.N.Angusamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue patta in S.F.No.62/3 in the name of Mariyae Kallarai situate in



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Paruthikanmai, Kalaiyarkovil Taluk, Sivagangai District by considering the representation of the villagers dated 30.01.2023.

For Petitioner : Mr.V.Panneerselvam

For Respondents : Mrs.S.Jeyapriya,
Government Advocate for R1 to R4.

ORDER

Heard the learned counsel on either side.

2.The learned counsel for the petitioner draws my attention to the relevant entries made in 'A' register which communicates that S.No.62/3 of Paruthikanmai Village is shown in the name of Mariyae Kallarai. It is also stated that one Angusamy filed W.P.(MD)No.24230 of 2022 before the Hon'ble Division Bench for removal of the encroachment in the said survey number. The said writ petition was disposed of by the Hon'ble Division Bench in the following terms:-

“4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 5 to take lawful action and remove the encroachments made in the Government Poramboke land in Survey No.62/3, measuring 1 Acre 36 Cents,



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Ayurulithachan Kanmai Village, Paruthikanmai Group, Kalaiyar Kovil Taluk, Sivagangai District and also remove the illegal and unauthorized constructions, including the fencing erected therein, by the respondents 6 and 7 as pointed out in the representations dated 16.05.2022 and 07.10.2022 sent by the villagers including the petitioner.

5. The learned Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the encroachments as well as unauthorized constructions, if any, as projected by the petitioner in his representations, would be removed, after due opportunity to all the parties concerned and by due process of law, within a period of twelve weeks.”

3. Pursuant to the said direction, the Tahsildar has issued enquiry notice dated 19.01.2023. The petitioner is also shown as one of the noticees. Subsequently, the Tahsildar has also passed order dated 21.02.2023. In the said proceedings, the Tahsildar has clearly mentioned about the existence of the cemetery in the petition mentioned survey number. He also acknowledged that the place is being worshiped by the villagers. However, fence and shed put by the petitioner has been considered as encroachment. The petitioner has been called upon to remove the same. It is for the petitioner to challenge the said order dated 21.02.2023 independently. However, the petitioner's request for



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issuance of patta in the name of Mariyae Kallarai deserves to be considered.

The fourth respondent shall hear the sixth respondent and thereafter pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. I have given such a direction in view of the findings of the fourth respondent in his proceedings dated 21.02.2023.

4.The writ petition is disposed of accordingly. No costs.

03.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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- 3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 4.The Tahsildar,
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G.R.SWAMINATHAN, J.

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