



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
AND  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.18181 OF 2023  
and  
W.M.P(MD)Nos.15163 and 15165 of 2023**

Sarasu @ Saroja

:Petitioner

.VS.

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The Commissioner,  
Devekkottai Municipality,  
Sivagangai District.
- 3.The Tahsildar,  
Devakkottai Taluk,  
Sivagangai District.
- 4.The Zonal Deputy Tahsildar,  
Devakkottai Taluk,  
Sivagangai District.

:Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the third respondent made in proceedings No.Nil, dated 18.7.2023 and to quash the same and to direct the respondents to refrain from demolishing the building and



evicting the Petitioner without following the legal requirements of law.

|                              |                                        |
|------------------------------|----------------------------------------|
| For Petitioner               | :Mr.R.Manickam                         |
| For Respondents<br>1,3 and 4 | :Mr.D.Sachikumar<br>Addl. Govt.Pleader |
| For Respondent-2             | :Mr.K.R.Bharathi Kannan                |

### **O R D E R**

**\*\*\*\*\***

**(Order of the Court was made by S.S.SUNDAR,J)**

This Writ Petition is filed seeking issuance of a Certiorarified Mandamus calling for the records pertaining to the third respondent made in proceedings No.Nil, dated 18.7.2023 and to quash the same and to direct the respondents to refrain from demolishing the building and evicting the Petitioner without following the legal requirements of law.

2.Mr.D.Sachikumar, learned Additional Government Pleader takes notice for the respondents 1,3 and 4 and Mr.K.R.Bharathi Kannan, learned counsel takes notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner has challenged the order passed under



WEB COPY

Section 6 of the Tamil Nadu Land Encroachment Act, 1905 to remove the encroachment in T.S.No.15 which is classified as "Vandi Pathai". The encroachment indicated is by putting up a compound wall. The Petitioner appears to have put up construction in the patta land. The dispute is in relation to the property which is adjacent to the Petitioner's patta land, which is classified as "Cart Track". The Petitioner, however, reiterated that he is entitled to get assignment. However, he has filed a suit in O.S.24 of 2023, on the file of District Munsif Court, Devakkottai for declaration of title and for consequential reliefs. When the suit is pending, the Petitioner has now approached this Court that the revenue officials should consider the representation of the Petitioner for issuance of patta.

4.It is brought to the notice of this Court that another Writ Petition in W.P.No.27265 of 2022 is filed by the public for removal of encroachment against the Writ Petitioner and in the said Writ Petition, this Court has given directions. Further, Contempt Petition is filed by the private individuals as against the official respondents for non-compliance of the directions issued by this Court. It is reported that the Writ Petition and the Contempt Proceedings are initiated by third parties in respect of the very same property, for



WEB COPY

which, the Petitioner now seeks to quash the order challenging the order of eviction. From the admitted facts, when the Petitioner is found to be in encroachment of the public Cart Track, no relief can be granted to the Petitioner. However, the Petitioner states that several others have put up constructions and that the classification is wrong. He may pursue his remedy to get patta, if it can be considered by the Tahsildar in accordance with Government G.Os' applicable. Once the Petitioner gets patta, he may pursue his suit for declaration of his title.

5. While recording the statement of the Official respondents, this Court finds no merit in the Writ Petition and hence, the same is liable to be dismissed. Liberty is given to the Petitioner to approach the Tahsildar for grant of patta or for reclassification.

6. Accordingly, With the liberty given above, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[S.S.S.R.,J.]                      [D.B.C,J.]**  
**27.07.2023**



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

WEB COPY

vsn

To

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The Commissioner,  
Devekkottai Municipality,  
Sivagangai District.
- 3.The Tahsildar,  
Devakkottai Taluk,  
Sivagangai District.
- 4.The Zonal Deputy Tahsildar,  
Devakkottai Taluk,  
Sivagangai District.



WEB COPY



**S.S.SUNDAR, J.**

**AND**

**D.BHARATHA CHAKRAVARTHY, J.**

vsn

**ORDER MADE IN**

**W.P(MD)NO.18181 OF 2023**

**and**

**W.M.P(MD)Nos.15163 and  
15165 of 2023**

**27.07.2023**