



W.P.(MD)No.9033 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM:

THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

and

THE HONOURABLE Mrs.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.9033 of 2018
and WMP(MD) No.6921 of 2020

B.Veerakumar,,

... Petitioner

Vs

1. The District Collector,
Madurai District, Madurai..

2. The Revenue Divisional Officer,
Madurai North Thaluka,
District Collector Office,
Madurai..

3. The Thasildar,,
Madurai North,
District Collector Office,
Madurai..

4. P.Chellapandiyan,,
S/o.Periyakarrupan, 3/443, Ilango
Adigal Street, Dhinamani Nagar,
Madurai-625 018..



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5. M.Govindan,,
S/o.Madasamy Yadav, D.No.174, Vaigai
Colony, Anna Nagar, Madurai-625 020..

... Respondents

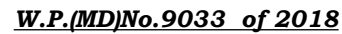
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made in survey No.103/1A1A1 measuring to any extent of 30 feet common pathway road in Kovilpappakudi Village, Madurai North Taluk, Madurai and to direct the 3rd respondent to cancel the patta obtained illegally by the 4th respondent for the same and consequently to take legal action against the encroachers 4 and 5 and by considering the petitioners representation dated 08/01/2018 within a period stipulated by this Court.

For Petitioner : M/s.P.Yasmin Begum
For Respondent: Mr.T.Amjad Khan for R1 to R3
Government Advocate
Mr.B.Prahalad Ravi for R4 & R5

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 3 and the learned



2. The learned counsel for the petitioner submits that the petitioner has purchased a plot in S.No.99. There is an internal 30 feet road. The respondent No.4 had made encroachment on that internal road. The patta has been wrongly issued in favour of the 4th respondent. The road could not have been encroached.

3. The learned Government Advocate submits that survey was conducted by the authority and the authority did not notice any encroachment.

4. The disputed question of facts exists in the matter. In the writ petition under Article 226 of the Constitution, it would not be possible to dwell upon the disputed question of facts.

5. The petitioner may approach the civil Court or such other authority, as may be permissible under law, for the redressal of his



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grievance. In that event, all contentions are kept open. As far as the prayer for cancellation of patta is concerned, the petitioner's remedy is under Tamil Nadu Patta Pass Book Act to challenge the patta, as may be permissible.

6. With this observation, the writ petition stands disposed of. However, there is no order as to costs. Consequently connected Miscellaneous Petition is closed.

[S.V.G., .C.J.]

[L.V.G., J.]

01.12.2023

Index : Yes / No

Neutral Citation : Yes / No

RR

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THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

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