



W.P(MD).No. 20103 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.20103 of 2014

Neelavathi

..... Petitioner

- Vs -

1. The District Collector,
Trichy District,
Trichy.
2. The Commissioner of Panchayat Union,
Manachanallur Taluk and Post,
Trichy District.
3. The Revenue Divisional Officer,
Manachanallur Taluk & Post,
Trichy District.
4. The Tahsildar,
Manachanallur Taluk,
Trichy District.
5. The President,
Patchur Panchayat,
Kovathakudi Village & Post,
Manachanallur Taluk,
Trichy District.



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6. Selvaraj

7. Shanthi

... 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 1 to 5 to remove the encroachment put up by the respondents 6 and 7 in Natham Poramboke Survey No.359/1, at Kovathakudi Village, Manachanallur Taluk, Trichy District within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R-1, R-3 and R-4

: Mr.S.Sathesh Kumar
For R-2 and R-5

: Mr.T.Selvakumaran
For R-6 and R-7

ORDER

This writ petition has been filed seeking for a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment put up by the respondents 6 and 7 in Natham Poramboke Survey No.359/1, at Kovathakudi Village, Manachanallur Taluk, Trichy District within the time stipulated by this Court.



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2. When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents No 1, 3 and 4 had produced a letter written by the Revenue Tahsildar, Manachanallur, dated 25.01.2023 addressed to him, wherein the Revenue Tahsildar specifically made a statement that the patta has been issued to the landless poor persons in S.No.359/1 and therefore, they are not the encroachers and no action can be taken against them. Since the respondents 6 and 7 have been granted patta in respect of the said Survey number, they cannot be termed as encroachers.

3. However, the learned counsel for the petitioner would submit that the land has been classified as vacant site and the Government cannot grant patta to any person. However, he would seek liberty to challenge the proceedings, in which, patta has been granted.

4. In the light of the aforesaid statement made by the Revenue Tahsildar, I do not find any reason to issue direction as prayed for. However, liberty is given to the petitioner to challenge the proceedings, granting patta in favour of the respondents 6 and 7 in the manner known to law.



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5. With the above said liberty, this Writ Petition is dismissed. There shall be no order as to costs.

30.01.2023

NCC: Yes / No

Index : Yes / No

Internet : Yes / No

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K.KUMARESH BABU, J.

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30.01.2023