



W.P(MD)No.20292 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20292 of 2014 and
MP(MD) Nos.1 & 2 of 2014

A.Shanmugham

Petitioner

Vs.

1.The District Collector,
O/o The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Ram Nagar, Devakottai,
Sivagangai District.

3.The Tahsildar,
Taluk Office,
Ram Nagar, Devakottai,
Sivagangai District.

4.The Revenue Inspector,
Devakottai Sub Division,
Devakottai Taluk,
Sivagangai District.

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned notices under Section 5 & 7, dated 05.09.2014 and 22.09.2014 respectively issued by the fourth respondent, the notice under Section 6, dated 10.10.2014 issued by the third respondent under the Tamil Nadu Land Encroachment Act, 1905 and quash the same and consequently direct the third respondent to issue patta in favour of the petitioner.

For Petitioner	:Mr.G.S.Ashok Adhithyan
For Respondents	:Mr.G.V.Vairam Santhosh Additional Government Pleader

ORDER

This writ petition is filed as against the notice issued by the respondents 3 & 4, under Section 5,6,& 7 of Land Encroachment Act, 1995 and to direct the third respondent to issue patta for the subject lands in favour of the petitioner.

2.The case of the petitioner is that the petitioner is in possession of land in S.F.No.214/7, New SF No.738/9, which is



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Natham land. According to the learned counsel for the petitioner, the petitioner is now protected with the judgment and decree passed by the competent civil Court in O.S.No.109 of 2006, dated 20.04.2018 and hence a direction may be issued to the concerned authorities to issue patta in favour of the petitioner.

3.The learned Special Government Pleader appearing for the respondent submits that the disputed land is now classified as Oorani in the revenue records. The decree obtained by the petitioner in O.S.No.109 of 2006 is challenged by way of an appeal and which is pending before the Sub Court, Devakottai in A.S.No.31 of 2008. The Appeal suit is posted for enquiry on 12.07.2023.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner is claiming right over the subject property in the strength of the decree passed on O.S.No.109 of 2006.



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However, the same was disputed by the respondent that challenging the judgment and decree passed by the trial Court in O.S.No.109 of 2006, an Appeal Suit is filed in A.S.No.31 of 2008 and the same is posted to 12.07.2023 for enquiry.

6.Considering the fact that with regard to the issue in this writ petition, the appeal suit in A.S.No.31 of 2008 is pending before the Sub Court, Devakottai and it is posted for enquiry on 12.07.2023, this writ petition is disposed of with a direction to the learned Sub Judge, Devakottai to conclude the proceedings in A.S.No.31 of 2008 pending on his file within a period of two months from the date of receipt of a copy of this order. Based on the outcome of the Appeal Suit, the parties shall work out their remedy. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.03.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
vrn



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B.PUGALENDHI, J

vrn

Order made in
W.P(MD) No.20292 of 2014 and
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31.03.2023