



W.P(MD)No.8637 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8637 of 2015

and

M.P.(MD)No. 2 of 2015

V.Kumaresan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Sub-Collector/The Revenue Divisional Officer,
Paramakudi,
Ramanadhapuram District.

3.The Tahsildar,
Paramakudi,
Ramanathapuram District.

4.G.Subramaniyan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the proceedings of the 2nd respondent made in Pa.Mu. (P3) 3398/2011 dated 30.03.2015 and quash the same and consequently direct the respondents to restore the patta granted in favour of petitioner in respect of the property situated in Survey NO. 173/15 Keezhaparuthioor Group, Pulavar Velankudi Village, Paramakudi Taluk, Ramanathapuram District.



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For Petitioner : no appearance

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader for R1 to R3

: Mr.G.Subramanian for R4

ORDER

None appeared for the petitioner on the last occasion. The case was posted under the caption 'for dismissal'. Today also, there is no representation for the petitioner.

2. The learned Additional Government Pleader points out that the petition mentioned survey number stood in the name of Paramakudi Panchayat Union School during UDR. Subsequently, the school was shifted. Taking advantage of the same, the petitioner had committed encroachment and also managed to obtain patta in his name. Complaint was lodged in this regard. The Sub Collector, Paramakudi conducted enquiry and cancelled patta issued in favour of the petitioner.

3. In the affidavit filed in support of the writ petition, no material has been enclosed indicating tracing of title or right. If the petitioner has purchased the land from the vendor and the vendor's name had appeared in the revenue record, patta can certainly be issued in favour of the petitioner. That does not appear to be the case. The petitioner could not have obtained patta on the



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strength of the encroachment that too in respect of the land which stood in the name of Panchayat Union School. *Prima facie*, the order impugned in the writ petition deserves to be sustained. Since there is no representation on behalf of the petitioner, leaving open his right to file an appeal against the impugned order, the Writ Petition is dismissed. If any appeal is filed, period from filing of this writ petition till the date of issuance of the order copy will be excluded.

4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.08.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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