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W.P.(MD)NO.9214 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9214 of 2016 AND
W.M.P.(MD)Nos.7335 and 7336 of 2016 & 186 of 2017

Infant Jesus and Charitable Trust,
Registered No.17643,
Rep. by Dr.Sr.M.Annai Theresita,R.I.M.P.,
Beschi Mooligai Thottam,
Vedar Puliankulam,
Madurai – 625 006.

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsildar,
Thiruparankundram Taluk Office,
Madurai District.
3. The Executive Engineer,
Public Works Department,
Kundaru Irrigation Division,
Madurai.
4. The President,
Vedar Puliyankulam Panchayat,
Madurai – 625 006.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned proceedings dated 26.04.2016 on the file of the 3rd respondent and quash the same as illegal and arbitrary and consequently direct the 2nd respondent after giving a fair chance of hearing and to issue patta in the name of Infant Jesus and Charitable Trust in bearing Survey No.120/2, 120/3, 120/5 which is total extent as 7-10 Acres and the same is situated at Beschi Mooligai Thottam, Vedar Puliankulam, Madurai-625 006 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.R.Prakash
For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.
For R-4 : No appearance.

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ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned Form III dated 26.04.2016 issued by the third respondent.



3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The third respondent has filed counter affidavit and the learned Special Government Pleader took us through its contents and pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. The petitioner had earlier approached this Court by filing W.P.(MD)No.1482 of 2016 when they were sought to be evicted. The petitioner challenged the eviction proceedings and sought issuance of patta. The Hon'ble Division Bench vide order dated 25.01.2016 dismissed the writ petition. The Hon'ble Division Bench issued specific direction to the official respondents to proceed further to remove the encroachment and file report of compliance. The said order has become final. Therefore, the present writ petition is not maintainable. The



order impugned in the writ petition does not warrant interference. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

12th JULY 2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

1. The District Collector,
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