



W.P.(MD)No.24088 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.24088 of 2023

and

W.M.P.(MD)Nos.20249 and 20250 of 2023

Muthu Samuel @ Muthu

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi Revenue Division,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Watrap Taluk, Virudhunagar District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned proceedings in Moo.Mu.A5/1378/2023, dated 28.04.2023 and the 3rd respondent consequential communication in Na.Ka.No.A4/489/2023, dated 13.09.2023 and to quash the same as illegal and further to direct the 3rd respondent to issue patta in petitioner's name to the extent of 1 cents in S.No.447, New S.No.



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832/3 Iyan Nathampatti Village, Watrap Taluk, Virudhunagar District within a stipulated period.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The impugned order dated 28.04.2023 has been issued in implementation of the order of the earlier Division Bench of this Court passed in W.P.(MD)No.27197 of 2019, dated 18.10.2022. This Court in the said Writ Petition filed by several persons passed an order, directing the authorities concerned to remove the encroachments pointed out by them, after affording sufficient opportunity to all the parties concerned and by following due process of law. The 2nd respondent by affording sufficient opportunity to the encroachers considered the issue elaborately and rejected the claim of the petitioner and ordered for eviction of encroachers. The order impugned was issued under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'). Thus, a revision lies before the District Collector concerned under Section 10A(1)(a) of the Act.



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2.The learned Additional Government Pleader for the respondents brought to our notice that the petitioner is already owning lands and therefore, he is not eligible to avail the benefit of Government Welfare Scheme for grant of free house site patta or land.

3.May that as it be, we are of the opinion that if at all the petitioner is aggrieved, he is at liberty to prefer a revision under the provisions contemplated under the Act. The order impugned has been since passed pursuant to the directions issued by the Division Bench of this Court, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

04.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

To

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer,
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