



W.P. No. 206 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

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1. Iyyanar

2. Karthikeyan

3. Latchumanan

4. Ezhumalai,
S/o. Kuppusamy

5. Ezhumalai,
S/o. Perumal

6. Ganesan

7. Joseph

8. David

9. Mannankatti

... Petitioners

-VS-

1. The District Collector,
Villupuram District,
Villupuram.

2. The Commissioner,
H.R. & C.E. Department,
Nungambakkam,
Chennai – 600 034.



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3. The Assistant Commissioner,
H.R. & C.E. Department,
Villupuram,
Villupuram District.
4. The Additional Commissioner (Enquiry),
H.R. & C.E., Villupuram,
Villupuram District.
5. The Revenue Divisional Officer,
Tindivanam,
Villupuram District.
6. The Tahsildar,
Marakkanam Taluk,
Villupuram District.
7. Arulmighu Bhoomishwarar Temple,
Represented by its Executive Officer,
Markkanam,
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Third Respondents to consider and dispose the representation of the Petitioner dated 18.05.2022 and 21.05.2022 within the stipulated time as fixed by this Court.

For Petitioners : Mr. G.Mohan

For Respondents : Mr. G.Nanmaran,
Special Government Pleader
(for R1, R5 & R6)

Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(for R2 to R4 & R7)



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ORDER

Heard Mr. G.Mohan, Learned Counsel for the Petitioners, Mr. G.Nanmaran, Learned Special Government Pleader appearing for the First, Fifth and Sixth Respondents and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the Second to Fourth and Seventh Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioners is that they had made representations dated 18.05.2022 and 21.05.2022 to the Respondents seeking patta for the property in their possession, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Learned Special Government Pleader appearing for the Second to Fourth and Seventh Respondents has filed a memo dated 12.01.2024 stating as follows:-

“ *The Writ Petitioner has not mentioned the survey number for which he is claiming patta. It is relevant to mention that the*



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Petitioner's father was in occupation of the land in S. No. 368/2 and the Petitioner's father was recognized as a tenant under the Temple. There are about 208 tenants under the Temple. By proceedings dated 01.09.2021, the Joint Commissioner, HR & CE Department, Villupuram has fixed the fair rent for the land in occupation of the Petitioner's father and the same is fixed at about Rs. 1,400/-. The Petitioner has not been paying the fair rent. In order to recover the land in occupation of the Petitioner, proceedings under Section 78 of the Act will be initiated by considering hi as an encroacher since he is not paying the fair rent fixed by the authorities under Section 34(A) of the Tamil Nadu HR & CE Act.”

3. In such circumstances, Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioners to seek necessary relief to protect the possession of the property claimed by them in a suit before the jurisdictional Civil Court, if necessary, and he has made an endorsement to that effect in the court record.



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In view of the same, the Writ Petition is dismissed as withdrawn with the

aforesaid clarifications. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

vjt

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Commissioner,
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Nungambakkam,
Chennai – 600 034.
3. The Assistant Commissioner,
H.R. & C.E. Department,
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4. The Additional Commissioner (Enquiry),
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6. The Tahsildar,
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7. Arulmighu Bhoomishwarar Temple,
Represented by its Executive Officer,
Markkanam,
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P.D. AUDIKESAVALU, J.

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