



W.P.No. 29504 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.29504 of 2016 and
W.M.P.No.25536 of 2016

Mannangatti

.. Petitioner

Versus

1. The Union Territory of Puducherry
Represented by its Secretary, PWD,
Government of Puducherry, Puducherry.

2. The Commissioner
Bahour Commune Panchayat

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the Respondent from interfering with the petitioner's fish breeding operation in RS No. 188/4 part and 189/3 part in Arachikuppam Village, Parikalpet Revenue, Bahour Commune, Puducherry state and obstructing the pathway in 188/1 and pass orders.



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For Petitioner : Mr. K. Narasimhan

For Respondents 1 and 2 : Mr.P. Vasantha kumar
Additional Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus forbearing the Respondent from interfering with the petitioner's fish breeding operation in RS No. 188/4 part and 189/3 part in Arachikuppam Village, Parikalpet Revenue, Bahoor Commune, Puducherry state and obstructing the pathway in 188/1 and pass orders.

2. The case of the petitioner is that the petitioner was in possession and enjoyment of lands comprised in Rs No.188/2 and 3, of an extent of 1 acre 79 centiares in No.79 Chinna Arachikuppam Village, Parikkaipet, Bahoor Sub Taluk, Puducherry state. He is doing agricultural work in the said promboke lands. The revenue authorities are refusing to grant patta for the said lands. Further more the respondents are trying to evict the petitioner from his possession. Hence, to forbear the respondents from interfering with the petitioner's peaceful possession, the petitioner has come forward with the present petition.



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3. The learned Special Government Pleader appearing for the respondents submitted that pertaining to the very same issue the petitioner has already approached this Court in W.P.No.20601 of 2009 and this Court vide order dated 09.11.2023 dismissed the writ petition

4. On a perusal of the order passed in W.P.No.20601 of 2009 dated 09.11.2003 it is seen that that this Court has observed that the land in question is a water body and the petitioner has been encroaching the property for very long years and the relevant portion is extracted hereunder:

9. Admittedly, the land in occupation which is in encroachment of the petitioner herein is the water body and he is able to successfully in possession for very long years. The writ petition is filed in the year 2009 and it has been taken up for disposal only recently. Hence, this Court is of the view that further continuation of the encroachment by the petitioner herein is against the interest of the general public and he is in the habit of sending various representations and by filing writ petitions is able to continue the possession. Hence, the petitioner is liable to be evicted forthwith. Though it is a fit case to impose costs on the petitioner for filing litigations one after the other, this Court refrains itself from such imposition. Hence, finding no merits in his writ petition and the same is liable to be dismissed.



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5. In view of the fact that the issue has already been dealt by this Court in W.P.No.20601 of 2009 wherein the Division Bench of this Court had dismissed the petition, nothing survives for further adjudication in this petition and this petition deserves to be dismissed. Accordingly this petition is dismissed. Consequently, the connected miscellaneous petition is closed. No order as to costs.

08.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn
To.

1. The Union Territory of Puducherry
Represented by its Secretary, PWD,
Government of Puducherry, Puducherry.

2. The Commissioner
Bahour Commune Panchayat



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V.BHAVANI SUBBAROYAN, J.

smn

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