



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.20883 of 2019

P.Vasanth

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Salem District.
- 2.The Special Tahsildar (AD Welfare),
Taluk Office, Omalur Taluk,
Salem District.
- 3.The Tahsildar,
Taluk Office,
Omalur Taluk,
Salem District.
- 4.The Block Development Officer,
Omalur Taluk, Salem District.
- 5.The Inspector of Police,
Omalur Police Station,
Omalur Taluk, Salem District.



6.Sithayee

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment in Survey No.20/5 an extent of 2 cents at Puliampatti Village, Omalur Taluk and consequently restore the possession of same to the petitioner by considering the petitioner's representation dated 10.09.2018.

For Petitioner : Mr.M.Elango

For R1 to R5 : Mr.A.Selvendran
Special Government Pleader

For R6 : Deceased

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

With reference to the relief sought for in the present writ petition, the Special Tahsildar has filed a counter affidavit stating that there is no such encroachments as alleged in the writ petition and paragraph 11 of the counter affidavit reads as under:

“11. While so, the patta for the house site No.28 issued to the petitioner was cancelled and the patta for the house site No.27 issued to the 6th respondent was also cancelled and the 6th



respondent was issued fresh patta for house site No.28 in her favour. The cancelled house site No.27 was allotted to one Thangamani, W/o late Madhan. Thus, it is crystal clear that the petitioner is having a tiled house bearing Door No.3/198 in S.No.32/7 of Puliampatty Village, Omalur Taluk and the petitioner's husband Pachiappan is having a patta land of house site No.92, in 3 cents in S.No.6 of Saminaickenpatty Village, Omalur Taluk. As said above, the petitioner has also purchased a free house site No.16 in S.No.20/5 from its allottee namely Thangamani wife of Manickam, for Rs.10,000/- and subsequently sold the same to one Mallika, W/o Veerappan, for Rs.12,000/-."

2. In view of the fact that there is no encroachment is established further adjudication is not required. Consequently, writ petition stands dismissed. No costs.

[S.M.S., J.] [K.R.S., J.]
18.03.2024

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Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

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