



WEB COPY



WP.No.16411 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16411 of 2024

S.Perumal@ Raja

.. Petitioner

Versus

1. The District Collector
Office of the District Collector, Salem – 1

2.The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Salem – 5

3.The Tahsildar
Office of the Tahsildar, Hasthampatti
Salem – 7

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner herein dated 03.05.2024 issued to grant patta with respect of the property comprised in SF.No.31/27, Erumapalayam Village, Salem District in the name of the 1) Sri Mariamman Temple, 2) Sri.Kaliyamman Temple, 3) Sri. Sakthi Vinayagar Temple, 4) Sri Perumalswamy Temple, 5) Sri Erattai Pillaiyar Temple and 6) Sri Ellaipidari Amman Temples, Erumapalayam, Salem 15.

For Petitioner : Mr.R.Nalliappan

For Respondents : Mr.P.Sathish
Additional Government Pleader



WP.No.16411 of 2024

ORDER

This writ petition has been filed for a direction, directing the respondents to consider the representation of the petitioner herein dated 03.05.2024 issued to grant patta with respect of the property comprised in SF.No.31/27, Erumapalayam Village, Salem District in the name of the 1) Sri Mariamman Temple, 2) Sri.Kaliyamman Temple, 3) Sri. Sakthi Vinayagar Temple, 4) Sri Perumalswamy Temple, 5) Sri Erattai Pillaiyar Temple and 6) Sri Ellaipidari Amman Temples, Erumapalayam, Salem 15.

2. The learned Additional Government Pleader submitted that a writ petition in W.P.No.18521 of 2020 filed by one Vijayan before the Division Bench seeking for removal of encroachment in S.No.31 of Erumapalayam Village, Salem District. The Division Bench of this Court by order dated 21.03.2023 has directed to remove all the encroachments in Survey No.31/27, Erumapalayam Village, Salem District.

3. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal.

4. The order in W.P.No.18521 of 2020 is also placed before me. On



WP.No.16411 of 2024

perusal of the same, it would indicate that one Vijayan has filed a writ petition, as if there are encroachments. But writ petitioner had already filed a suit against the said Vijayan in O.S.No.126 of 2021 for grant of permanent injunction against the said Vijayan, who is arrayed as the first defendant. Suppressing the said fact, the writ petition has been filed. Be that as it may as the Division Bench has passed an order directing the removal of encroachments. At this stage, the respondents cannot be directed to issue patta. Therefore, if advised properly, the petitioner may approach the Division Bench by filing appropriate applications.

5. Accordingly, this writ petition stands dismissed. No costs.

03.07.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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