



W.P.(MD) No.20193 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.20193 of 2013
and M.P.(MD) No.1 of 2013**

Sivabalan

... Petitioner

-VS-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

3.The President,
Thulukankurichi Village Panchayat,
Sattur Taluk,
Virudhunagar District.

4.Gurusamy Naickar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of the



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first respondent made in Na.Ka.NO.G2/12118/2012 dated 04.12.2013 and quash the same.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader for R1 & R2

No appearance for R3

Mr.M.Thirunavukkarasu for R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the proceedings of the first respondent made in Na.Ka.NO.G2/12118/2012, dated 04.12.2013.

2. This Court, by order dated 28.02.2018, disposed of the Writ Petition and subsequently, a Review Application was filed by the fourth respondent and by order dated 04.01.2019, this Court has recalled the earlier order dated 28.02.2018 passed in W.P.(MD) No.20193 of 2013 and directed to consider the Writ Petition afresh. Accordingly, the Writ Petition is now taken up for fresh consideration.



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3. Learned counsel for the petitioner has stated that the fourth respondent has encroached upon the Government Land in S.No.383/40, Melachathiram Village, Sattur Taluk, Virudhunagar District, measuring an extent of 0.90.5 Hectares, which is classified as Village Natham and therefore, he seeks for removal of the encroachment.

4. Learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the first respondent has passed a detailed order rejecting the claim of the petitioner for the reason that the aforesaid land is classified as Natham and the fourth respondent has encroached upon an extent of 0.0090.5 sq.m. He would further submit that the request of the fourth respondent for grant of patta for the aforesaid land is still under consideration.

5. According to both the parties the said land is classified as Natham, which is intended for providing house sites. When that being so, we are not inclined to interfere with the impugned order, particularly, when the Government is considering the request of the fourth respondent for grant of patta. However, if at all the petitioner has any objection for grant of patta in favour of the fourth



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respondent, it is open to him to submit his objections to either the first respondent or the second respondent within a period of two weeks from the date of receipt of a copy of this order and if any objections is filed, the same shall be considered by the respondents 1 and 2 on merits and in accordance with law, before taking any decision regarding grant of assignment patta in favour of the fourth respondent.

6. With the above said liberty, the Writ Petition is dismissed. No costs.

[D.K.K., J.] [R.V., J.]
02.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sattur Taluk,
Virudhunagar District.



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