



W.P.(MD).No.1828 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.1828 of 2024

Mr.A.Pattuvel

... Petitioner

VS.

The Sub Collector,
Thoothukudi,
Thoothukudi District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to expedite the enquiry pending in Na.Ka.A1/1571/2023, by following the due procedure of law, within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.D.Gandhi Raj
Special Government Pleader



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ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing the respondent to expedite the enquiry pending in Na.Ka.A1/1571/2023, by following the due procedure of law.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he has purchased the property in S.No.471/7A1A measuring 8 acres and 46 cents situated at Kumaragiri @ Pudukottai Village, Thoothukudi Taluk, Thoothukudi District from his father vide sale deed dated 07.12.2006. Since some third parties had attempted to encroach his land, he filed a writ petition in W.P.(MD).No. 21666 of 2002, seeking direction to the respondents to survey and demarcate the property in S.No.471/7A1A. This Court, by order dated 13.09.2022, directed the respondents to measure the petitioner's property within a period of three months. As such, on 22.11.2022, the Surveyor had surveyed his property and earmarked the boundaries. When he



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verified the office of the Tahsildar, Thoothukudi, he came to know that S.No.471/7A1 had been subdivided into several survey numbers and several third parties name have been included. Hence, he gave a representation to the respondent on 21.01.2022, seeking to cancel the patta which stands in the name of the third parties and issue separate patta in his name. The respondent has forwarded the same to the Thasildar, Thoothukudi. Thereafter, the Tahsildar has submitted his report to the respondent. While so, the respondent had issued notice dated 16.06.2023 to the petitioner, directing him to appear for enquiry on 20.06.2023. As such, on 20.06.2023, he appeared before the respondent and submitted the relevant documents. However, the respondent has not passed any orders till date. Hence, the petitioner has filed the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.



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5. The petitioner's request was not considered by the authorities and on 16.06.2023, notice was issued to the petitioner and patta has been issued to various third parties without the knowledge of the petitioner and he has right over the property by way of sale deed dated 07.12.2006. Hence, this Court directs the petitioner to approach the competent civil Court for removing the encroachment and the respondent is directed to consider the petitioner's representation, dated 21.01.2022, as to how the S.No.471/7A1 has been divided into so many subdivision without giving him an opportunity and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

31.01.2024

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To

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V.BHAVANI SUBBAROYAN,J.

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