



W.P.(MD) No.3780 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM:

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

**W.P.(MD) No.3780 of 2024
and W.M.P.(MD) No.3693 of 2024**

M.Sathaiah

... Petitioner

-VS-

1.The District Collector,
Collectorate,
Pudukkottai & District.

2.The Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkottai District.

3.The Tahsildar,
Taluk Office,
Aranthangi Taluk,
Pudukkottai District.

4.The Commisioner,
Aranthangi Municipality,
Aranthangi Taluk,
Pudukkottai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbear the respondents 1 to 4 from disposing the petitioner and cut, uproot the standing 500 coconut trees, demolish dairy firm shed and imbedded pipes line and petitioner's tiled house in Door No.2/228 comprised in the portion of SF.No.205/1 with an extent of 6 Acres 66 2/3 Cents out of 14 Acres of Alapiranthan Village, Aranthangi Taluk, Pudukkottai District and direct the respondents to grant patta or cost assignment or lease for the aforesaid coconut trees, dairy firm shed and tiled house on the basis of the petitioner's representation dated 08.01.2024.

For Petitioner : Mr.K.Baalasundaram
for M/s.K.B.S. Law Office

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 to R3

Mr.S.Kameeswaran
Standing Counsel for R4

ORDER

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

The Writ Petition has been filed seeking to issue a Writ of Mandamus, to forbear the respondents 1 to 4 from dispossessing the petitioner and cut, uproot the standing 500 coconut trees, demolishing dairy firm shed and imbedded pipes line and petitioner's tiled house in Door No.2/228 comprised in



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the portion of SF.No.205/1 with an extent of 6 Acres 66 2/3 Cents out of 14 Acres of Alapiranthan Village, Aranthangi Taluk, Pudukkottai District, and to direct the respondents to grant patta or cost assignment or lease for the aforesaid coconut trees, dairy firm shed and tiled house on the basis of the petitioner's representation dated 08.01.2024.

2. By consent of both sides, the Writ Petition is taken up for final disposal at the time of admission itself.

3. According to the petitioner, he is in possession of 6 Acres and 66 2/3 Cents out of 14 Acres in S.F.No.205/1, Alapiranthan Village, Aranthangi Taluk, Pudukkottai District. The petitioner has also made an application, seeking assignment of patta on 08.01.2024 and now according to the petitioner, there are more than 500 coconut trees in the property and he has also put up a dairy farm in the said property. Now, the respondents are taking action for removing the same. Hence, the Writ Petition.



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4. Based on the written instructions, learned Government Advocate appearing for the respondents 1 to 3, stated before this Court that the petitioner is an encroacher of the property in question, out of which, 2 Hectares of land is required for construction of Sewage Water Treatment Plant for Aranthangi Municipality. Hence, the petitioner himself has removed his cow shed in the said 2 Hectares of land. Pursuant to the same, the District Collector, Pudukkottai, vide proceedings dated 30.01.2024, has granted enter-upon permission to the petitioner in respect of the remaining 3.73.0 Hectares. Therefore, they are not going to uproot the coconut trees in the 3.73.0 Hectares of land.

5. Recording the aforesaid submissions, this Writ Petition stands disposed of with the following directions:-

(i) In respect of 2 Hectares of land in S.No.205/3, Alapiranthan Village, Aranthangi Taluk, Pudukkottai District is concerned, the respondents can take possession as per the proceedings of the District Collector, Pudukkottai, in Na.Ka.E.4/1398878/2023, dated 30.01.2024. To this extent, the petitioner has no serious objection for taking the possession of the land.



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(ii) It is made clear that the respondents shall not dispossess the petitioner from the remaining 3.73.0 Hectares of land except by following due process of law.

No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
20.02.2024

Index : Yes / No

Internet : Yes / No

SJ

To

- 1.The District Collector,
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Pudukkottai District.
- 2.The Revenue Divisional Officer,
Aranthangi Taluk,
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