



W.P.(MD) No.12802 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.12802 of 2015

N.Chinnachamy

... Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Palani, Dindigul District .

2.The President,
Rajampatti Village Panchayat,
Palani Taluk, Dindigul District.

3.Arumugam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the 3rd respondent in the Vandipathai in Survey No.37/1

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WEB C situated at Athimarathu Valasu, Rajampatti Village, Palani Taluk, Dindigul District.

For Petitioner : Mr.M.Kannan

For Respondents : Mr.N.Satheeshkumar,
Addl. Govt. Pleader for R1
Mr.N.S.Karthikeyan for R2
No Appearance for R3

ORDER

[Order of the Court was made by MUMMINENI SUDHEER KUMAR, J.]

This Writ Petition has been filed seeking a Writ of Mandamus to direct the respondents 1 and 2 to remove the encroachment made by the 3rd respondent in the Cart track in Survey No.37/1 situated at Athimarathu Valasu, Rajampatti Village, Palani Taluk, Dindigul District.

2. When the matter was taken up for consideration, it is brought to the notice of this Court by the learned Additional Government Pleader, on written



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instructions, that after filing of the present Writ Petition, the third respondent along with certain others have assigned house patta to the house less persons to an extent of 0.04.36 ares in S.Nos.37/2, 37/3, 37/4, 37/5, 37/6, 37/7 and 37/8.

3. In the light of the above, the alleged encroachment made by the third respondent cannot be called as an encroachment as the same was regularised by assignment patta.

4. In the light of the above, on the basis of which the present Writ Petition has been filed does not survive and accordingly, this Writ Petition is dismissed. In case, if the petitioner is aggrieved by the assignment patta granted in favour of the third respondent herein, it is open to the petitioner to take appropriate steps to cancel such assignment patta. There shall be no order as to costs.

[D.K.K., J.] [M.S.K., J.]
09.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm



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D.KRISHNAKUMAR, J.
and
MUMMINENI SUDHEER KUMAR, J.

vsm

To

- 1.The Tahsildar,
Tahsildar Office,
Palani, Dindigul District .
- 2.The President,
Rajampatti Village Panchayat,
Palani Taluk, Dindigul District.

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