



WP(MD)No.14729 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.14729 of 2018

and

WMP (MD) No.13261 of 2018

Marimuthu

... Petitioners

Vs

1.The District Collector,
Collectorate,
Tirunelveli,
Tirunelveli District.

2.The Tahsildar,
Kadayanallur,
Tirunelveli District.

3.The Superintendent of Police,
Office at Palayamkottai,
Tirunelveli.

4.The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st respondent herein to remove the public notice in Nil proceedings, Nil dated (erected as a flex board) and fence in writ



WP(MD)No.14729 of 2018

petitioner's land in Natham S.Nos.721 & 730/2, Kariymanickaperumal Kovil Street, Kadaynallur Municipality, Tirunelveli District in consonance with the decree dated 22.09.1995 in O.S.No.644 of 1993 on the file of the District Munisif Court, Tenkasi within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.R.Suresh Kumar

Nos.1 and 2 Addl Government Pleader

For Respondent : Mr.M.Vaikkam Karunanidhi

Nos.3 and 4

ORDER

The petitioner with a grievance that the respondents have placed a notice board that it is the government land in his patta lands and fenced the lands in S.Nos.721 and 730/2, Kariyamanickaperumal Kovil Street, Kadayanallur Municipality, Tirunelveli District has filed this writ petition for a writ of mandamus directing the respondents to remove the notice board and the fencing erected by the respondents in the above said lands.



WP(MD)No.14729 of 2018

2.The learned Counsel for the petitioner relied on the settlement proceedings dated 05.06.1943, the decree passed in OS.No.644 of 1993 and the orders dated 12.02.2013 passed by the DRO, Tirunelveli and submits that the petitioner is having valid documents to establish his case. The DRO has also recommend for issuing patta in their favour. However, the respondents without any basis have put up notice board in the lands.

3.The learned Additional Government Pleader appearing for the 1st and 2nd respondents submits that after verification the notice board was removed. But there is no fencing as alleged by the petitioner.

4.This Court considered rival submissions made and perused the materials placed on record.

5.The petitioner claims that the property in S.Nos.721 and 730/2, Kariyamanickaperumal Kovil Street, Kadayanallur Municipality, Tirunelveli District and he is having valid documents from the



WP(MD)No.14729 of 2018

year 1943. The respondents claim that it is mentioned as Manthai poramboke land. Therefore, they have placed such a notice board. However the board is now removed and if the petitioner produces the documents, it would be verified and proceeded further.

6.The petitioner has already obtained a decree from a civil Court in OS.No.644 of 1993 and DRO concerned has also recommended the Tahsildar for issuance of patta in favour of the petitioner. Though the petitioner claims that he is having civil court decree and recommendation has been made by the DRO, the petitioner has not approached the Tahsildar for grant of patta. Therefore this writ petition is disposed of with a direction to the petitioner to approach the Tahsildar along with relevant documents, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent Tahsildar, Kadayanallur shall consider the documents placed before him and pass suitable orders on merits and in accordance with law within a period of twelve weeks from thereon.



WP(MD)No.14729 of 2018

No costs. Consequently connected miscellaneous
petition is closed.

19.03.2024

Internet : Yes / No

DSK

To

- 1.The District Collector,
Collectorate,
Tirunelveli,
Tirunelveli District.
- 2.The Tahsildar,
Kadayanallur,
Tirunelveli District.
- 3.The Superintendent of Police,
Office at Palayamkottai,
Tirunelveli.
- 4.The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur,
Tirunelveli District.



WEB COPY



WP(MD)No.14729 of 2018

B. PUGALENDHI , J .

dsk

WP (MD) No .14729 of 2018

19.03.2024