



W.P.(MD) No.22273 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.22273 of 2018

N.Elangovan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 29.09.2018 and issue Patta in favour of the petitioner's house property in Survey No.697, Poonsholai Nagar, Panayapatti Post, Thirumayam Taluk, Pudukkottai District, within a stipulated time fixed by this Court.

For Petitioner : Mr.V.Saravana Gandhi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

WEB COPY This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 29.09.2018 and issue Patta in respect of the petitioner's house property in Survey No.697, Poonsholai Nagar, Panayapatti Post, Thirumayam Taluk, Pudukkottai District, within a time frame.

2. Although the respondents have not filed counter affidavit, both the learned counsel for the petitioner and the learned Special Government Pleader for the respondents confirm that the petitioner was evicted from the property.

3. According to the petitioner, he was forcibly evicted from the property without due process on 05.10.2018. On the other hand, the learned Special Government Pleader for the respondents submitted that the petitioner was evicted from the property on 31.10.2018. The learned Special Government Pleader submitted that the land has been classified as "Government Manai" and therefore, the petitioner was rightly removed from the property.



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4. Since the petitioner has been evicted from the property, the question of directing the respondents to consider his representation, dated 05.10.2018, for issuance of Patta at this stage cannot be considered. As the petitioner has been evicted from the property, it is open for him to approach the Civil Court for establishing his right that he was in possession of the property for the last 18 years prior to eviction during October, 2018.

5. With the above liberty, this Writ Petition stands dismissed. No costs.

04.04.2024

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.



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C.SARAVANAN, J.

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