



W.P.(MD)Nos.22864 of 2018 & 28120 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)Nos.22864 of 2018 & 28120 of 2022

W.P.(MD)No.22864/2018:

Nallusamy

: Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Kulithalai,
Karur District.

3.The Block Development Officer,
Thogamalai (Village Panchayat),
Kulithalai Taluk,
Karur District.

4.Saroja

: Respondent



W.P.(MD)Nos.22864 of 2018 & 28120 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent on the Natham Prombokku land of S.No.448/1 situated at Puthur Village, Kulithalai Taluk, Karur District which is the water way of the “Venkatachala Goundan Tank” situated at S.No.445, Puthur Village, Kulithalai Taluk, Karur District.

For Petitioner : Mr.R.Murugappan

For Respondents 1 to 3 : Mr.P.Thilak Kumar

Government Pleader

For Respondent No.4 : Ms.J.Anandhavalli

W.P.(MD)No.28120/2022:

A.Saraswathi

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Kulithalai,
Karur District.

2.The Tahsildar,
Kulithalai Taluk,
Karur District.



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3.The Block Development Officer,
Puthur Panchayat,
Thogamalai Panchayat Union,
Karur District.

4.The Village Administrative Officer,
Puthur, Kulithalai Taluk,
Karur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to grant patta for the petitioner's house situated at S.No. 448/1A in Vellaiparaipatti Village, Puthur Panchayat, Karur as per the petitioner's representation dated 23.10.2018, within a time frame fixed by this Court.

For Petitioner : Ms.J.Anandhavalli

For Respondents : Mr.P.Thilak Kumar

Government Pleader

COMMON ORDER

**[Common Order of the Court was made by
R.SURESH KUMAR, J.]**

In W.P.(MD)No.22864 of 2018, which is a Public Interest Litigation, the prayer sought for herein is for a Writ of Mandamus



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to remove the encroachment made by the fourth respondent in Natham Poramboke land in S.No.448/1 situated at Puthur Village, Kulithalai Taluk, Karur District.

2.In W.P.(MD)No.28120 of 2022, the prayer sought for is to give a direction by way of Mandamus to the official respondents to give patta to the writ petitioner in S.No.448/1A at Vellaiparaipatti Village, Puthur Panchayat, Karur, by considering the petitioner's representation dated 23.10.2018.

3.Heard the learned Counsel appearing for the petitioner in both the writ petitions and the learned Government Pleader appearing for the official respondents.

4.The fourth respondent in W.P.(MD)No.22864 of 2018 is the writ petitioner in W.P.(MD)No.28120 of 2022.

5.It is the definite stand of the petitioner in W.P.(MD) No.28120 of 2022 that she has been in possession and enjoyment of the property only at S.No.448/1A and not in S.Nos.445 or 448/1. This position has been reiterated by the learned Counsel appearing for the petitioner in W.P.(MD)No.28120 of 2022.



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6. Learned Government Pleader appearing for the official respondents also has endorsed the same by getting written instructions stating that S.No.448/1A is classified as Natham land where the writ petitioner A.Saraswathi has been in occupation. The land in S.No.445 is a water body.

7. Heard the learned Counsel appearing for the writ petitioner in the “Public Interest Litigation” [In short, “PIL”], who would submit that the petitioner in the PIL is concerned only with the encroachment of the Government lands and therefore, she is confined only with the encroachment either in S.No.448/1 or in S.No.445, but not specifically targeting the fourth respondent in the PIL, namely A.Saraswathi, who has been admittedly in possession and enjoyment of the property in S.No.448/1A, for which seeking patta she has already approached the revenue authorities which is pending consideration.

8. In that view of the matter, having regard to the aforesaid facts and circumstances, we are inclined to dispose of these Writ Petitions with the following order:



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“(i) that insofar as W.P.(MD)No.448/1A is concerned, the representation given by the petitioner in W.P.(MD)No.28120 of 2022 dated 23.10.2018 shall be considered by the revenue authorities, with regard to the grant of patta, of course, on merits and in accordance with law. In order to get a quick action from the side of the revenue authorities it is better for the petitioner in W.P.(MD)No.28120 of 2022, to give a fresh representation apart from the 23.10.2018 representation copy along with the copy of this order to the revenue Tahsildar, who shall take the same and consider as indicated above.

(ii) Insofar as the direction sought for in PIL is concerned, apart from the occupancy of the writ petitioner in S.No.448/1A, if any other encroachment has been made especially in S.Nos.448/1 & 445, which is a water body, it is open to the authorities to take action to remove such encroachment after giving a



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week's time notice under the Land Encroachment Act, 1905. The needful as indicated above shall be undertaken by the revenue authorities within a period of two [2] months from the date of receipt of a copy of this order."

9.With all these directions, these Writ Petitions stand disposed of. There shall be no order as to costs.

[R.S.K.J.] & [G.A.M.J.]

23.07.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

- 1.The District Collector,
Karur District,
Karur.
- 2.The Tahsildar,
Kulithalai,
Karur District.
- 3.The Revenue Divisional Officer,
Kulithalai,
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- 4.The Block Development Officer,
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Kulithalai Taluk,
Karur District.
- 5.The Village Administrative Officer,
Puthur, Kulithalai Taluk,
Karur District.



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R.SURESH KUMAR, J.

and

G.ARUL MURUGAN, J.

MR

COMMON ORDER MADE IN

W.P.(MD)Nos.22864 of 2018 & 28120 of 2022

23.07.2024