



W.P.(MD).No.25305 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.25305 of 2024
and
W.M.P.(MD).Nos.21490 and 23041 of 2024

Seeni Musthafa

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Office of the Tahsildar,
Keelakkarai,
Ramanathapuram District.
- 4.The Assistant Director,
Department of Health and Family Welfare,
Kenikkarai,
Ramanathapuram District.



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5. The Medical Officer,
Primary Health Care Centre,
Periyapattinam,
Keelakkarai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents No.1 to 3 to remove the encroachment over public property situated in S.No.72, to an extent of 3 Acres, Periyapattinam Village, Keelakkarai Taluk, Ramanathapuram District in pursuance to the representation of the petitioner dated 30.09.2024.

(Survey Number amended vide order dated 29.11.2024 passed in W.M.P.(MD).No.23043 of 2024 in W.P.(MD).No.25305 of 2024)

For Petitioner : Mr.H.Mahamed Hussain

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition is filed for Mandamus to direct the respondents 1 to 3 to remove the encroachment over public property situated in S.No.72, to an extent of 3 Acres, Periyapattinam Village, Keelakkarai Taluk, Ramanathapuram District in pursuance to the representation of the petitioner dated 30.09.2024.



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2. The grievance of the petitioner is that an extent of 3 acres of lands in Survey No.72/2 in Periyapattinam Village, Keelakkarai Taluk, Ramanathapuram District, were gifted to the Government for the purpose of constructing a Primary Health Centre. It is now alleged that the Government has put up the Primary Health Centre in only 1.57 acres of land and the remaining portion of the land is under illegal occupation of the private individuals.

3. The Tahsildar/third respondent herein has filed a counter affidavit, wherein, it is stated that though 3 acres of land in Survey No.72/2 was originally gifted, the same was under illegal occupation earlier by independent parties. However, mutation of revenue records have been effected in Survey No.72/2 and pattas were issued in favour of individuals in the following manner:

Survey/ SubDn.No.	Classification	Extent in ares	Patta No. and name of the Registered Pattadar
72/2A1A	Ryot-dry	0.13.00	746. M.Saheed
72/2A1B	Ryot-dry	0.85.00	692. Jamaludeen Pallivasal
72/2A2	Ryot-dry	0.32.00	414. Fasul Hug
72/2B1	Ryot-dry	0.34.00	478. M.Mammd Pousia Beebi
72/B2	Ryot-dry	0.24.00	731. S.Hameedammal
72/B3	Ryot-dry	0.02.00	477. Mamd Abdul Kadar



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72/2B4	Ryot-dry	0.02.00	384. A.Nazeer
72/2B5	Ryot-dry	0.02.00	731. S.Hamedammal Beevi
72/2B6	Ryot-dry	0.02.50	731. S.Hamedammal Beevi
72/2B7	Ryot-dry	0.02.50	7. S.Abdul Kadar
72/3	Ryot-dry	0.62.00	67. Govt Hospital Periyapattinam
72/4	Ryot-dry	0.08.00	414. A.Fasool Hug
72/5	Ryot-dry	1.57.50	504. Chief Educational Officer, Ramanathapuram District.

4. From the aforesaid table of mutation of revenue records, it can be seen that an extent of 0.62.00 ares in Survey No.72/3 stands in the name of the Government Hospital, Periyappatinam, while the rest of the mutations have been done in favour of individuals. When patta has been granted in favour of the individuals, it cannot be termed as illegal occupation or encroachment.

5. Incidentally, the counter affidavit also refers to an earlier Writ Petition filed by one Jalal Jamal Jummah Mosque represented by its President, Haji Mohammed Meerasa, in W.P.(MD).No.18351 of 2022 for a similar relief, which was disposed of by this Court on 28.09.2022. When the cause of action was already addressed before this Court and final orders were also passed in the aforesaid Writ Petition, entertaining the present Writ Petition for a similar relief



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is not legally permissible. On this ground also, this Writ Petition does not deserve consideration.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
29.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

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