



W.P.(MD) No.2647 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.2647 of 2025

Hajee K.K.Ibrahim Ali Higher Secondary School Society,

Rep by its Secretary,

K.Mohammed Ibrahimsha Johny ...

Petitioner

Vs

- 1 The District Collector,
Office of the District Collector,
Sivagangai.
- 2 The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai,
Sivagangai District.
- 3 The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivagangai,
Sivagangai District.
- 4 The Thasildar,
Taluk Office,
Ilayangudi,
Sivagangai District.
- 5 The Executive Officer,
Selection Grade Panchayat,
Ilayangudi,
Sivagangai District. ...

Respondents



W.P.(MD) No.2647 of 2025

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to issue patta for Survey No.376 in Sothugudi Group, Sivagangai District, to an extent of 0.00.66 Sq. Meters of land, which was in the continuous permissive possession of the petitioner.

For Petitioner : Mr.D.Senthil

For Respondents 1 to 4 : Mr.A.Kannan,
Addl. Govt. Pleader.

For Respondent 5 : Mr.S.P.Maharajan,
Spl.Govt.Pleader.

ORDER

The petitioner has filed this Writ Petition for a mandamus, directing the respondents to issue patta for Survey No.376 in Sothugudi Group, Sivagangai District, to an extent of 0.00.66 Sq. Meters of land, which was in the continuous permissive possession of the petitioner.

2. The petitioner School was established in the year 1970 and was a Government aided school. Around 750 students were studying in the said school. As the school was facing severe water crisis and the available water was not potable, the school authorities approached the first respondent,



W.P.(MD) No.2647 of 2025

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seeking permission to dig a bore-well near Pudur Oorani in Poochiyenthal Road and for construction of an overhead tank for supply of water to the students in the school. On such approach, the first respondent directed the fourth respondent to identify a place for the said purpose. The fourth respondent identified the place, in pursuance of which, the school erected a bore-well and constructed an overhead tank, for supply of water to the school. While so, the school authorities made an application for issuance of patta and, at that time, the petitioner was informed that the request for patta would be considered at a later stage. Thereafter, the fourth respondent issued a Notice under Section 7 of the Land Encroachment Act to the Administrators of Thaika pallivasal, stating that Pallivasal encroached upon the Government land, by constructing overhead tank. On coming to know of the same, the petitioner submitted a detailed representation, stating that the overhead tank was in no way connected with the Thaika Pallivasal, but it was put up by the petitioner, after obtaining permission from the District Collector and further steps were taken to obtain patta. The fourth respondent was, therefore, requested to withdraw the said notice. The petitioner also sent several representations on 12.09.2024, 13.09.2024, 28.10.2024, 25.11.2024 and 13.01.2025, but the same were not considered by the respondents. The petitioner, therefore, filed the above writ petition for the aforesaid relief.



W.P.(MD) No.2647 of 2025

WEB COPY

3. It is seen that the petitioner has submitted several representations to the respondents for grant of patta in its favour. In spite of the said representations, the respondents have not initiated any action to issue patta. Meanwhile, the respondents issued Notice, dated 24.11.2024, invoking Section 7 of the Land Encroachment Act. It is the petitioner's case that the bore-well and the overhead tank were constructed with oral permission and, therefore, the representations for patta were preferred.

4. Be that as it may. Considering that the petitioner's representation for issuance of patta was made as early as on 13.09.2024 and, thereafter also, the petitioner made several representations, and the respondents, for reasons best known to them, have not taken any action on the petitioner's representation for grant of patta, coupled with the fact that Section 7 Notice was also issued by the authorities for eviction of the petitioner, I direct the fourth respondent to consider the petitioner's representation, dated 13.09.2024, and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and also the interested persons, within a period of twelve weeks from the date of receipt of copy of this order. It is needless to state that the fourth respondent shall follow the procedure contemplated under the Tamil Nadu Patta Pass Book Act and the Rules, before passing orders, as indicated above.



W.P.(MD) No.2647 of 2025

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5. Writ Petition is disposed of accordingly. No costs.

30.01.2025

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

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W.P.(MD) No.2647 of 2025

N.MALA, J.

dixit

W.P.(MD) No.2647 of 2025

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