



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

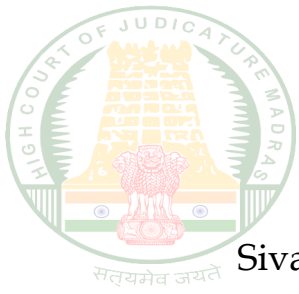
**W.P(MD)No.10618 of 2025
and
W.M.P(MD)No.7916 of 2025**

Muthu

... Petitioner

.Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
District Revenue Office,
Devakottai,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Thiruppathur Taluk,



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Sivagangai District.

5.The Executive Officer,
Nerkuppai Town Panchayat,
Sivagangai District.

6.The Village Administrative Officer,
Nerkuppai Village,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned eviction order in Na.Ka.No.A6/4978/2024, dated 27.1.2025 passed by the fourth respondent and to quash the same as illegal and consequently to direct the fourth respondent not to evict the Petitioner from the possession in Door No.9-2-24, Navanikkalam Village, Nerkuppai Town Panchayat, Tirupathur, Sivagangai District – 630 405 without following due process of law within the period stipulated by this Court.

For Petitioner : Mr.A.Sankararamasubramanian

For Responents : Mr.M.Sarangan
1 to 4 Addl.Govt. Pleader

For Respondent-5:Mr.J.Ashok
Addl.Govt.Pleader



ORDER

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DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

The Petitioner herein wants to protect his illegal encroachment which is sought to be removed pursuant to the notice, dated 27.1.2025.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel for the Petitioner states that the impugned notice states that S.No.548/11 extending 0.18.00 sq.mtr claims to be Government Poramboke Cart Track. The Government has already laid road in different survey numbers and hence, by improper surveying, the Government is trying to remove the asbestos construction put up by the Writ Petitioner. He further submit that by representation, dated 3.4.2025, he has requested the Tahsildar to recall the notice and grant patta.

4.Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 states that 'A' Register of the village clearly states that S.No.548/11 is a Cart Track and the



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Petitioner is encroaching the cart Track and put up some semi permanent construction which is sought to be removed. If the Petitioner is interested in getting house site patta, it will be considered independently, but he cannot be allowed to continue his occupation on cart track.

5. In the light of the above submissions, this Court is of the view that the Writ Petitioner cannot have a right to occupy the cart track and at the same time, if he is otherwise eligible, his request for issuance of house site patta be considered by the Government in accordance with law and his request, dated 3.4.2025 with regard to issuance of house site patta be considered as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

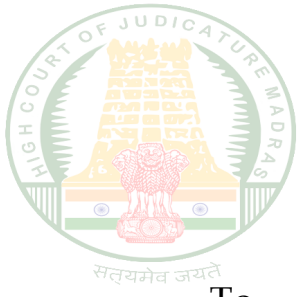
6. With the above observations, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[G.J.J.] [R.P.J.]
16.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

ORDER MADE IN

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and
W.M.P(MD)No.7916 of 2025

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