

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 14.11.2018

*CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

+W.P.(MD).No.16185 of 2018

and

W.M.P.(MD).No.14421 of 2018

#Subbulakshmi : Petitioner

Vs.

\$1.The District Collector,

Tirunelveli District,

Tirunelveli.

2.The Tahsildar,

Sankarankovil Taluk,

Tirunelveli District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.A2/1524/2014, dated 18.06.2018, insofar as it relates to the petitioner-s land in Survey No.9/4 is concerned and quash the same.

!For Petitioner : Mr.P.Ranjith Raja

For Mr.R.J.Karthick

^For Respondent : Mr.R.Sethuraman

Special Government Pleader

:ORDER

[Order of the Court was made by R.SUBBIAH, J.]

This Writ Petition has been filed challenging the order dated 18.06.2018 passed by the second respondent herein, directing the petitioner to remove the encroachment made by her within fifteen days.

2. The case of the petitioner is that the second respondent, vide his proceedings dated 06.11.2006, granted assignment patta with regard to Survey No.9/4, measuring to an extent of 0.09.0 hectares in Pandhapuli Village, Sankarankovil Taluk, Tirunelveli District. In pursuance of the above, the petitioner was in possession and enjoyment of the above property and he was carrying on agricultural operation. While so, one Mr.Ram Ganesh and Lakshman Kumar, claiming right of pathway in the above mentioned property, filed a

Civil Suit in O.S.No.238 of 2011, on the file of the Additional District Munsif Court, Sankarankovil, which was dismissed on 23.09.2014. Challenging the same, A.S.No.83 of 2014 was filed, which was also dismissed by the Sub~ Court, Sankarankovil, on 15.09.2015. Under such circumstances, the impugned order has been passed by the second respondent directing the petitioner to remove the encroachment made by her within fifteen days. Questioning the said order, the petitioner is before this Court with this Writ Petition.

3. Today, when the Writ Petition is taken up for consideration, it is submitted by the learned Special Government Pleader appearing for the respondents that the assignment granted in favour of the petitioner was cancelled as early as on 17.05.2018 by the proceedings of the District Revenue Officer, Tirunelveli. He has also produced a copy of the proceedings issued by the District Revenue Officer, Tirunelveli. The petitioner, without challenging the said order, has come up with this Writ Petition.

4. We find force in the said submission made by the learned Special Government Pleader appearing for the respondents. In our considered view too, the petitioner, having failed to challenge the cancellation of the assignment, cannot maintain this Writ Petition. Therefore, this Writ Petition is dismissed, giving liberty to the petitioner to challenge the cancellation of assignment, if she is so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.