

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-01-2015

CORAM

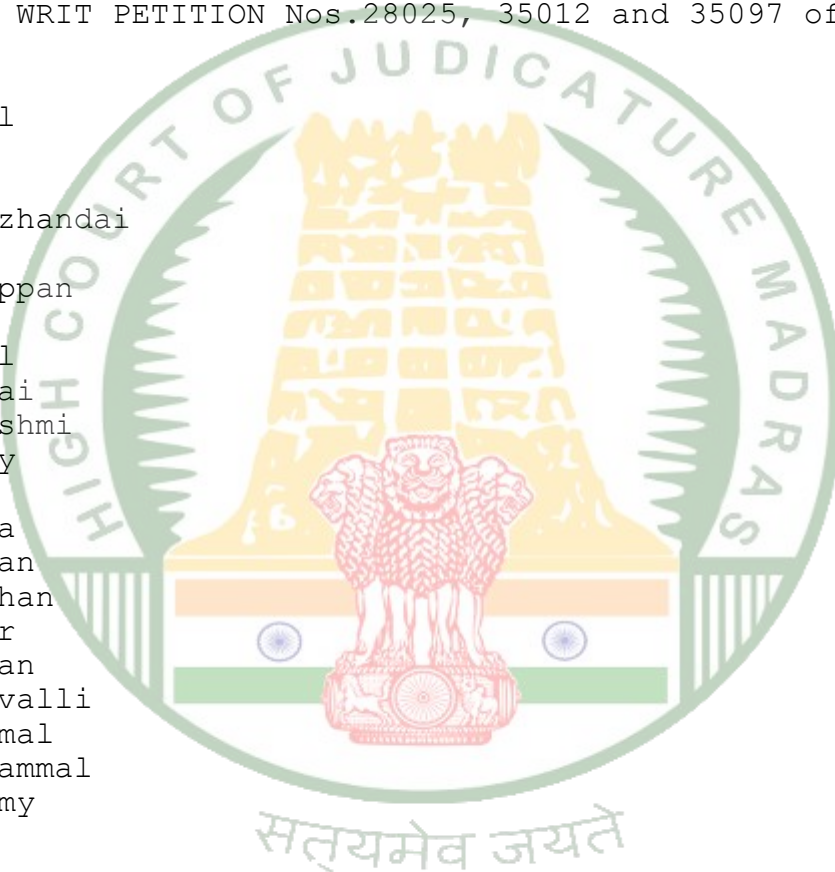
THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION Nos.28025, 35012 and 35097 of 2014

- 1.Muniyan
- 2.Palanivel
- 3.Lakshmi
- 4.Saradha
- 5.Chinnakuzhandai
- 6.Mani
- 7.Pachaiyappan
- 8.Ellammal
- 9.Venugopal
- 10.Vadamalai
- 11.Rajalakshmi
- 12.Munusamy
- 13.Ramu
- 14.Sharmila
- 15.Arangesan
- 16.Devanathan
- 17.Thaayaar
- 18.Veerannan
- 19.Kumudhavalli
- 20.Valliammal
- 21.Santhanammal
- 22.Kuppusamy
- 23.Selvi
- 24.Saroja
- 25.Christy
- 26.Suvithamalar
- 27.Dhanam
- 28.Dhamodharan
- 29.Amudha
- 30.Ranganayaki
- 31.Manoharan
- 32.Kanniappan
- 33.Sampath
- 34.Alamelu
- 35.Selvi
- 36.Lalitha
- 37.Mala
- 38.Govindan
- 39.Presanna
- 40.Gopi
- 41.Selvi
- 42.Kayirunbee

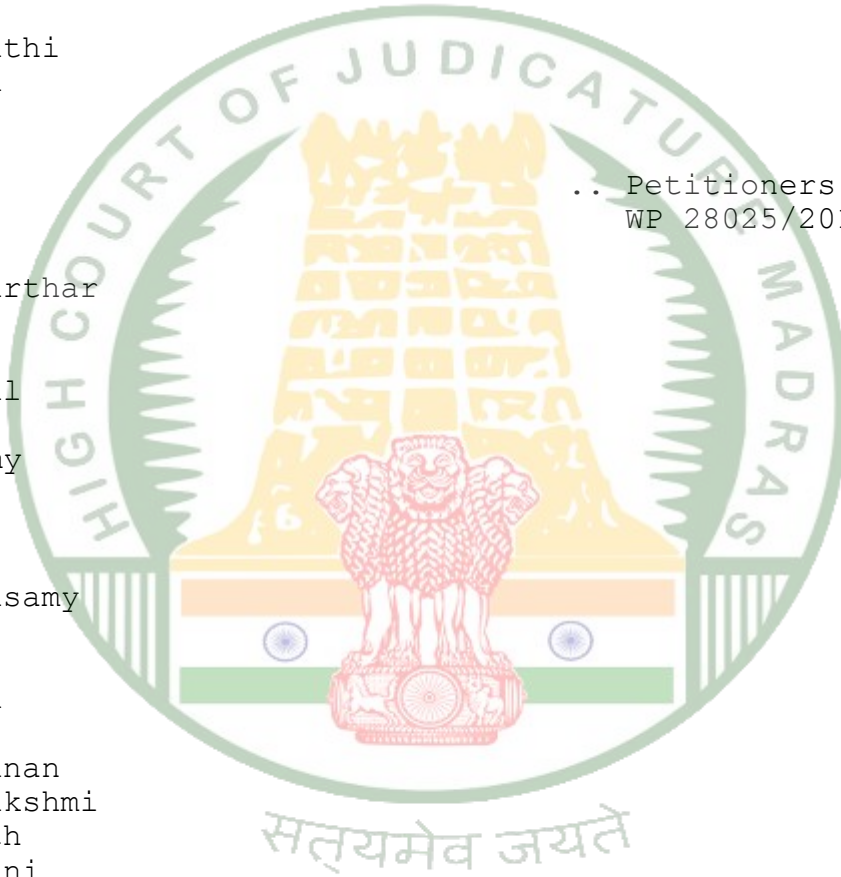


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43.Revathi
44.Esthaer
45.Sathiq Basha
46.Umapathy
47.Suresh
48.Mari
49.Raja
50.Jayakodi
51.Meera
52.Gopalakrishnan
53.Kaliamurthy
54.Anusuya
55.Valli
56.Valarmathi
57.Murugan
58.Uma
59.Santha
60.Jothi

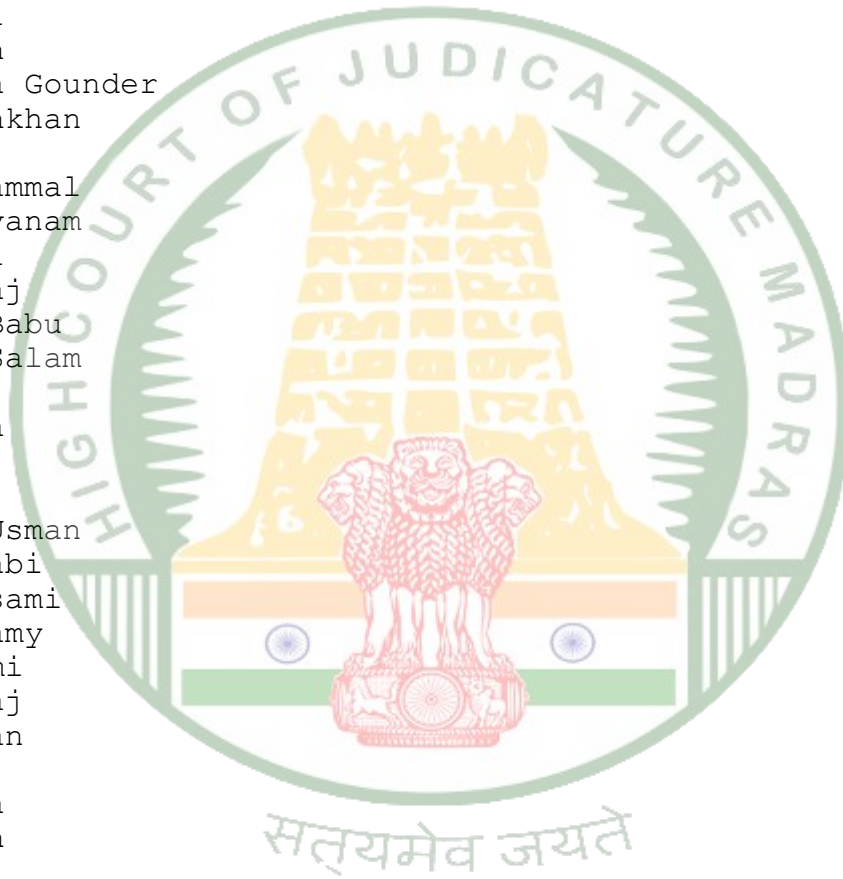
.. Petitioners in
WP 28025/2014

1.Abdul Sarthar
2.Murugan
3.Malar
4.Mannammal
5.Sankar
6.Rangasamy
7.Gopal
8.Renuga
9.Senthil
10.Govindasamy
11.Samy
12.Devaki
13.Murugan
14.Amutha
15.Mayakannan
16.Dhanalakshmi
17.Dilshath
18.Selvarani
19.Sundari
20.Geetha
21.Sugitha
22.Sheik Abdullah
23.Sheik Bhasha
24.Varadharajan
25.Veerappan
26.Velu
27.Mallika
28.Saroja
29.Neelavathi
30.Subramani
31.Saroja
32.Salimabi
33.Shanthi
34.Muthu
35.Chitra
36.Muniammal



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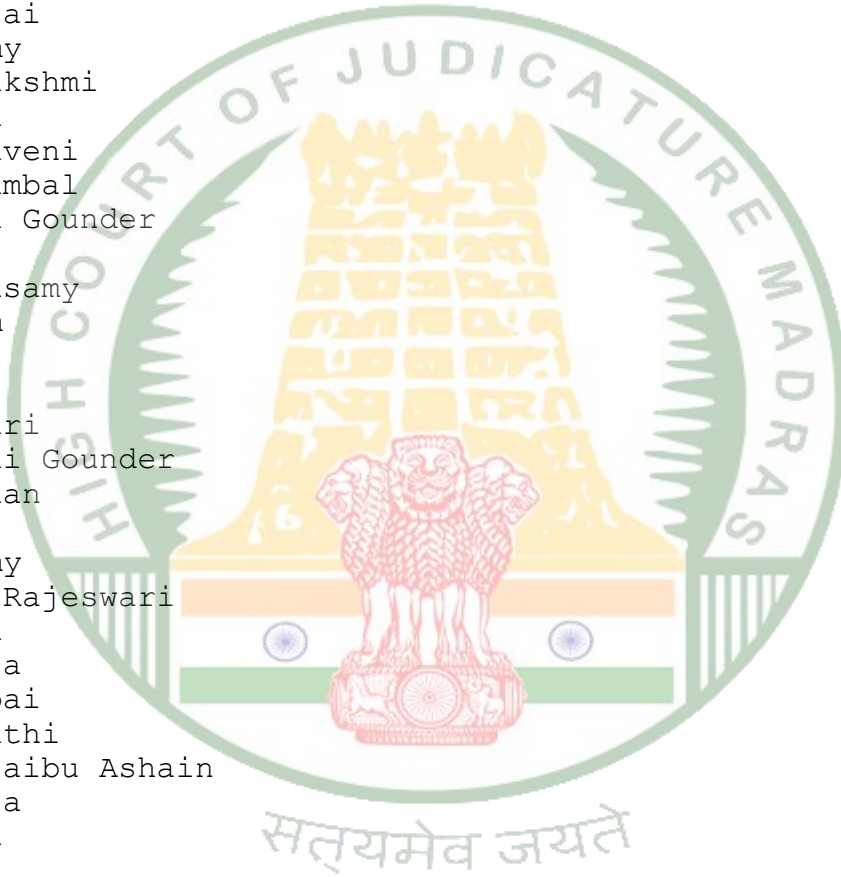
37.Ponnammal
38.Suseela
39.Perumal
40.Chinnasamy
41.Balakrishnan
42.Ranganathan
43.Thirupathy
44.Kader Bhasha
45.Ibrahim
46.Kattunbi
47.Rajamani
48.Babu
49.Perumal
50.Murugan
51.Krishna Gounder
52.Sowkathkhan
53.Farida
54.Rathinammal
55.Poongavanam
56.Pyaribi
57.Selvaraj
58.Sheik Babu
59.Abdul Salam
60.Ponni
61.Saritha
62.Rani
63.Gopal
64.Sheik Usman
65.Kathijabi
66.Antonysami
67.Lurdusamy
68.Sivagami
69.Mariaraj
70.Krishnan
71.Pyari
72.Naseema
73.Dowlath
74.Sekar
75.Srinivasan
76.Jothi
77.Pavunammal
78.Elumalai
79.Durairaj
80.Poongavanam
81.Sugunabai
82.Sudha
83.Sheik Jani
84.Manjula
85.Lalitha
86.Saraswathi (Annapoorani)
87.Sheik Masthan



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.. Petitioners in
WP 35012/2014

1.R.Ramanathan
2.Kumar
3.Rajendran
4.Ravi
5.Malliga
6.Munusamy
7.Rajendran
8.Dhasarathan
9.Rangasamy
10.Palani, S/o. Pachaiyappan
11.Palani
12.Unnamalai
13.Munusamy
14.Dhanalakshmi
15.Lalitha
16.Krishnaveni
17.Rathinambal
18.Krishna Gounder
19.Ponni
20.Govindasamy
21.Jeyaram
22.Sudha
23.Rani
24.Rajeswari
25.Elumalai Gounder
26.Narayanan
27.Malar
28.Munusamy
29.Vijaya Rajeswari
30.Kandhan
31.Manibala
32.Nandhabai
33.Valarmathi
34.Badgi Saibu Ashain
35.Sharmila
36.Barveen
37.Perumal
38.Poongavanam
39.Padma
40.Jeyalakshmi
41.Lalitha
42.Lillimeri Therash
43.Malar



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.. Petitioner in
WP 35097/2014

Vs

1.Government of Tamil Nadu
Rep. By its Principal Secretary
Revenue Department
Fort St. George, Chennai 600 009

2.The Commissioner for Land
Administration
Government of Tamil Nadu
Chepauk, Chennai 600 005

3.The District Collector
Villupuram District, Villupuram

4.The Revenue Divisional Officer/
Sub Collector
Gingee Revenue Division
Gingee, Villupuram District

5.The Tahsildar
Gingee Taluk
Gingee, Villupuram District

6.The Executive Officer
Gingee Town Panchayat
Gingee, Villupuram District .. Respondents 1 to 6
in WP 28025, 35012
& 35097/2014

7.The Block Development Officer/
Commissioner
Gingee Panchayat Union
Gingee, Villupuram District .. 7th Respondent in
WP 35012 &
35097/2014

WP No.28025/2014 filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents 3 to 6 and their subordinates from interfering or disturbing petitioners' peaceful possession and enjoyment of their dwelling houses in S.Nos.16 and 18 of Krishnapuram Village, Gingee Town Panchayat, Gingee Taluk, Villupuram District and consequently directing the respondents to consider issuance of site patta under the special scheme of the first respondent for the said houses of the petitioners herein within a stipulated time.

WP Nos.35012 and 35097/2014 filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the orders made in Na.Ka.No.A2/18/2014 dated 7.10.2014, 17.10.2014 and 28.10.2014 issued by the sixth respondent respectively and quashing the same and consequently directing the fifth respondent to issue patta to the petitioners or any alternative land in terms of various Government Orders passed by the Government of Tamil Nadu.

For Petitioners : Mr.R.Gandhi
Senior Counsel
for Mr.M.R.Jothimanian
in WP 28025/2014

Mr.G.Ethirajulu
in WP 35012 & 35097/2014

For Respondents : Mr.S.T.S.Moorthy
Government Pleader
for RR1 to 6 in all petitions
& for R7 in WP 35012 &
35097/2014

COMMON ORDER

(Order of the Court was made by THE HON'BLE CHIEF JUSTICE)

We strongly deprecate the conduct of the concerned District Collector in issuing notices without any application of mind. The orders passed by this Court in W.P.No.18056/2014, were clear in terms requiring action to be taken against "all such encroachments in the water bodies" and "after due process of law in accordance with the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007". The notices seek to suggest that they are being issued because some directions have been issued by the Court, but without mentioning under what legal provisions, they have been issued.

2.Firstly, statutory duties are not performed and when the Court directs the authorities to perform the statutory duties, the burden is sought to be shifted as if they are only supposed to act under the Court order and not as per the statutory provisions. We do not even know whether these acts are of gross negligence or a deliberate attempt to send defective notices.

3.Learned Government Pleader assures this Court that the notices shall stand withdrawn and fresh action will be taken as per the statutory provisions.

4.We may make it clear that there is no need to refer to any Court order in the notices as what the authorities are doing is as per the provisions of a statute so that the affected parties will have their statutory remedies.

5.Learned Counsels for petitioners state that in fact, the affected parties are even entitled to pattas. Qua this aspect, the concerned authorities will examine as to whether the persons are liable to be evicted or entitled to pattas or otherwise.

6.The writ petitions are accordingly closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

nsv

To:

- 1.The Principal Secretary
Revenue Department
Fort St. George, Chennai 600 009
 - 2.The Commissioner for Land
Administration
Government of Tamil Nadu
Chepauk, Chennai 600 005
 - 3.The District Collector
Villupuram District, Villupuram
 - 4.The Revenue Divisional Officer/
Sub Collector
Gingee Revenue Division
Gingee, Villupuram District
 - 5.The Tahsildar
Gingee Taluk
Gingee, Villupuram District
 - 6.The Executive Officer
Gingee Town Panchayat
Gingee, Villupuram District
 - 7.The Block Development Officer/
Commissioner
Gingee Panchayat Union
Gingee, Villupuram District
- +2ccs to Mr.G.Ethirajulu,Advocate SR.No.3881, 3302

+2ccs to Mr.V.R.Appaswamee, Advocate SR.No.3808

W.P.Nos.28025, 35012
and 35097 of 2014

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gp/28.1.15