

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30596 of 2016

1. R.Udayan
 2. Bavani, W/o Udayan
 3. Kokila, W/o Devaraj
 4. Vijaya, W/o Prabhu
 5. Suseela, W/o Sathyaseelan
 6. Parameshwari, W/o Arumugham
 7. Visalakshi, W/o Mani
 8. Mariyamma, W/o Rajasekar
 9. Pushpa, W/o Pushparaj
 10. Devi, W/o Ashokkumar
 11. Ananthi, W/o Babu
- .. Petitioners

-vs-

1. The District Collector
Vellore District, Vellore
2. The Tahsildar
Arakkonam Taluk
Arakkonam, Vellore District
3. The President
Koothampakkam Panchayat
Koothampakkam Village
Arakkonam Taluk
Vellore District

4. S.Valarmathi
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents 1 to 3 from evicting the petitioners from their respective houses comprising in S.No.125/4 situated at Koothampakkam Village, Banavaram Post, Arakkonam Taluk, Vellore District and consequently direct the second respondent to issue patta in favour of the petitioners as there is no dwelling house to them by considering their long standing possession.

For Petitioners:: Mr.M.Rajendiran
For Respondents:: Mr.P.S.Sivashanmugasundaram
Special Government Pleader for
R1 & R2
Mr.P.Senthilvel
Government Advocate for R3

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

The petitioners have sought for issuance of a writ of mandamus, forbearing the respondents 1 to 3 from evicting them from their respective houses comprising in S.No.125/4 situated at Koothampakkam Village, Banavaram Post, Arakkonam Taluk, Vellore District and consequently directing the second respondent to issue patta in favour of the petitioners, as there is no dwelling house to them, by considering their long standing possession.

2. Heard the learned counsel for the petitioners. Mr.P.Sivashanmugasundaram, learned Special Government Pleader is directed to take notice for the first and second respondents and Mr.P.Senthilvel, learned Government Advocate is directed to take notice for the third respondent.

3. The claim of the petitioners is that they are residing in Survey No.125/4 of Koothampakkam Village, Banavaram Post, Arakkonam Taluk by putting up huts for the past ten years with their families and they are entitled to the patta, in terms of the G.O.Ms.No.43, Revenue (Nee.Mu.1(2) Department dated 29.1.2010. According to the petitioners, several persons in their village have been issued with the pattas following the aforesaid Government Order and only the petitioners have been deprived of the benefit. However, on the ground that the respondents are attempting to evict the petitioners, they have approached this Court.

4. It appears that the petitioners are said to be squatting over a portion of 1 ½ cents of poramboke land, for which there is already an order passed by this Court for removal of the alleged encroachment, as causing nuisance to the fourth respondent. However, the petitioners are before this Court seeking for issuance of patta on the order passed in their favour and the earlier order passed for removal of the encroachment is said to be causing hardship and they will suffer if they are removed from the place in question.

5. It is for the respondents 1 to 3 to consider the grievance of the petitioners regarding the issuance of patta and to pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this

order. Till a decision is being taken, the petitioners shall not be evicted. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.26523 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
Vellore District, Vellore
2. The Tahsildar
Arakkonam Taluk
Arakkonam, Vellore District
3. The President
Koothampakkam Panchayat
Koothampakkam Village
Arakkonam Taluk
Vellore District

+1cc to M/s. M. Rajendran, Advocate, S.R.No.50139
+1cc to the Government Pleader, S.R.No.50499

NR(CO)
EU(27/09/2016)

सत्यमेव जयते

W.P.No.30596 of 2016

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