

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.43762 of 2016

and

W.M.P.Nos.37558 & 37559 of 2016

- 1.Muthuveeran
- 2.Velaththal
- 3.Nanjammal
- 4.Kannammal
- 5.Valliyammal
- 6.Ganapathi
- 7.Janopa
- 8.Saraswathi
- 9.Arukkani
- 10.Thangamani
- 11.Susila
- 12.Parimala
- 13.Rukkumani
- 14.Theivanai, w/o.Murugesan
- 15.Kalamani
- 16.Kumarathal
- 17.Dhanammal
- 18.Sumathi
- 19.Sivagamy
- 20.Jayamery
- 21.Mageswari
- 22.Eswari
- 23.Theivanai, w/o.Maruthasalam
- 24.Mrugathal
- 25.Kalpana
- 26.Umavathi
- 27.Kamala
- 28.Veeral
- 29.Bagavathi
- 30.Nagamani
- 31.Jaya
- 32.Ramal
- 33.Poongodi
- 34.Puvana
- 35.Velmani
- 36.Rani

WEB COPY

.. Petitioners

-vs-

- 1.The District Collector,
Thiruppur District,
Thiruppur.
- 2.The Tahsildar,
Palladam Taluk,
Thiruppur District.
- 3.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Palladam, Thiruppur District.
- 4.The Assistant Engineer,
Highways (Construction and Maintenance),
Palladam, Thiruppur District. ... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, call for entire records pertaining to the notice in Ku.No.25/2016/Vazhakku/U.Po/dated 02.11.2016 and quash the same and issue further direction to the respondent 1 and 2 to issue house-pattas to the petitioners in Survey No.698/1 of Shamalapuram Village, Palladam Taluk, Thiruppur District within the time frame fixed by this Hon'ble Court.

For Petitioners	:	Mr.S.Rajanikanth
For Respondents	:	Mr.R.Vijayakumar
		Addl. Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners are persons, who have encroached on Survey No.698/1 of Shamalapuram Village, Palladam Taluk, Thiruppur District and claimed to have constructed 50 houses, shops, compound walls and a small temple etc, out of which 36 have filed the present petition, who are stated to be using it as residential purpose.

2. The impugned notice dated 02.11.2016 was issued by the Assistant Engineer, Highways (Construction and Maintenance), Palladam and it is not seriously disputed that the land in question is a road poramboke. It is the case of the petitioners that they have been requesting for pattas to be issued and earlier, when a Bridge was constructed, they were informed that their case would be examined subsequently. It is, however, conceded that till date no patta has been issued.

3. The documents do suggest continuing occupation of the petitioners, though the legality of it is in question since patta may not be capable of being issued, if it is a road poramboke.

4. We are, thus, of the view that the authorities may look into the issue whether the petitioners, as they claim, are liable to be issued any patta or they can be rehabilitated in some other place, in case the area has to be cleared. The exercise be completed within a period of two months from today.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.37558 & 37559 of 2016 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Thiruppur District,
Thiruppur.
- 2.The Tahsildar,
Palladam Taluk,
Thiruppur District.
- 3.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Palladam, Thiruppur District.
- 4.The Assistant Engineer,
Highways (Construction and Maintenance),
Palladam, Thiruppur District.

+1cc to Mr.Rajanikanth, Advocate, S.R.No.74103
+1cc to the Government Pleader, S.R.No.74331

mg (CO)
md(22/12/2016)

W.P.No.43762 of 2016