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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

CORAM :

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

Writ Petition (MD) Nos.20523, 20524, 19967, 19968, 19670,  
and 20507 of 2016

and

W.M.P(MD)Nos.14695, 14715, 14683, 14368 14369 and 14180 of 2016

**In W.P(MD)No.20523 of 2016:**

ANAIYAPPAN

... PETITIONER

**VS.**

1. THE DISTRICT COLLECTOR,  
OFFICE OF THE DISTRICT COLLECTOR,  
THOOTHUKUDI DISTRICT.

2. THE COMMISSIONER,  
THOOTHUKUDI CORPORATION,  
THOOTHUKUDI.

3. THE TAHSILDAR,  
OFFICE OF THE TAHSILDAR,  
THOOTHUKUDI DISTRICT.

4. CHARLIN

... RESPONDENTS

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent Nos.1 to 3 to protect the petitioner residing in No. 182 Gandhi Nagar second street George road Thoothukudi District which was given by the Tamil Nadu Government in the year 1956 consequently to take action against the Respondent No.4 who is trying to grab the dwelling house from the petitioner by illegal way within the time stipulated by this court.

MARIYAMMAL

... Petitioner in WP(MD).20524/2016

- Vs. -

1 THE DISTRICT COLLECTOR,  
OFFICE OF THE DISTRICT COLLECTOR,  
THOOTHUKUDI DISTRICT.



2 THE COMMISSIONER,  
THOOTHUKUDI CORPORATION, THOOTHUKUDI.

3 THE THASILDAR,  
OFFICE OF THE THASILDAR,  
THOOTHUKUDI DISTRICT.

4 CHARLIN ... Respondents in WP(MD).20524/2016

**Prayer in WP(MD).20524/2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondent Nos.1 to 3 to protect the petitioner residing in No.181, Gandhi Nagar second street, George Road, Thoothukudi District which was given by the Tamil Nadu Government in the year 1956, consequently to take action against the Respondent No.4 who is trying to grab the dwelling house from the petitioner by illegal way within the time stipulated by this Hon'ble Court.

RAMAR ... Petitioner in WP(MD).19967/2016

- Vs. -

1 THE DISTRICT COLLECTOR  
OFFICE OF THE DISTRICT COLLECTOR,  
THOOTHUKUDI DISTRICT.

2 THE COMMISSIONER  
THOOTHUKUDI CORPORATION, THOOTHUKUDI.

3 THE THASILDAR,  
OFFICE OF THE THASILDAR,  
THOOTHUKUDI DISTRICT.

4 CHARLIN ... Respondents in WP(MD).19967/2016

**Prayer in WP(MD).19967/2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondent Nos. 1 to 3 to protect the petitioner and other scheduled caste peoples residing in No. 181, Gandhi Nagar, George road, Thoothukudi District which was given by the Tamil Nadu Government in the year 1960 and consequently to take action against the Respondent No.4, who is trying to grab the houses from the petitioner and other scheduled castes peoples by illegal way within the time stipulated by this Hon'ble Court.



SANTHIVEERAN

... Petitioner in WP(MD).19968/2016

- Vs. -

1 THE DISTRICT COLLECTOR  
OFFICE OF THE DISTRICT COLLECTOR,  
THOOTHUKUDI DIST

2 THE COMMISSIONER  
THOOTHUKUDI CORPORATION, THOOTHUKUDI

3 THE THASILDAR  
OFFICE OF THE THASILDAR,  
THOOTHUKUDI DIST

4 CHARLIN ... Respondents in WP(MD).19968/2016

**Prayer in WP(MD). 19968/ 2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondent Nos.1 to 3 to protect the petitioner land residing in No.182, Gandhi Near second street, George road, Thoothukudi District which was given by the Tamil nadu Government in the year 1956, consequently to take action against the Respondent No.4, who is trying to grab the dwelling house from the petitioner by illegal way within the time stipulated by this Hon'ble Court.

VELMURUGAN ... Petitioner in WP(MD). 19670/ 2016

- Vs. -

1 THE DISTRICT COLLECTOR  
OFFICE OF THE DISTRICT COLLECTOR,  
THOOTHUKUDI DISTRICT.

2 THE COMMISSIONER  
THOOTHUKUDI CORPORATION, THOOTHUKUDI.

3 THE THASILDAR  
OFFICE OF THE THASILDAR,  
THOOTHUKUDI DISTRICT.

4 CHARLIN ... Respondents in WP(MD). 19670/ 2016

**Prayer in WP(MD). 19670/ 2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondent Nos. 1 to 3 to protect the petitioner residing in No. 182, Gandhi Nagar second street, George road, Thoothukudi District which was given by the Tamil Nadu Government in the year



1956, consequently to take action against the Respondent No.4 who is trying to grab the dwelling house from the petitioner by illegal way within the time stipulated by this Hon'ble Court.

PAULRAJ

... Petitioner in WP(MD). 20507/ 2016

- Vs. -

- 1 THE DISTRICT COLLECTOR  
OFFICE OF THE DISTRICT COLLECTOR,  
THOOTHUKUDI DIST
- 2 THE COMMISSIONER  
THOOTHUKUDI CORPORATION, THOOTHUKUDI
- 3 THE THASILDHAR  
OFFICE OF THE THASILDAR,  
THOOTHUKUDI DIST

4 CHARLIN ... Respondents in WP(MD). 20507/ 2016

**Prayer in WP(MD). 20507/ 2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondent Nos.1 to 3 to protect the petitioner residing in No.182, Gandhi Nagar second Street, George road, Thoothukudi District which was given by the Tamilnadu Government in the year 1956, consequently to take action against the Respondent No.4, who is trying to grab the dwelling house from the petitioner by illegal way within the time stipulated by this Hon'ble Court.

|                                |                                                       |
|--------------------------------|-------------------------------------------------------|
| For Petitioner                 | : Mr.R.Alagumani                                      |
| For Respondents 1-3            | : Mr.V.Muruganandam,<br>Additional Government Pleader |
| For 4 <sup>th</sup> Respondent | : Mr.S.Kadarkarai                                     |

**COMMON ORDER**

According to the petitioners, the petitioners are residing in No.181 and 182, Gandhi Nagar, Second Street, George Road, Thoothukudi for more than five decades. It is stated that the Government of Tamil Nadu allotted the above said lands in dispute to their ancestors in the year 1956 and they are in continuous possession and enjoyment of the property. However, the fourth respondent threatened and directed the petitioners to vacate from the said property based on the fabricated documents. Hence, the petitioners have filed the present writ petitions.

2.The fourth respondent has filed a counter affidavit stating that the fourth respondent's mother had purchased the



properties in question from the previous owners on various dates in the year 1962 itself and thereafter, they are in possession and enjoyment of the property. The petitioners are tenants under them and since they are not paying rent to them till date, the fourth respondent sent notices through his Advocate to pay arrears of rent and vacate from the property. Thereafter, the fourth respondent has filed R.C.O.P.Nos.44, 45, 46 and 47 of 2016 against the petitioners on the file of the Rent Controller cum Principal District Munsif Court, Tuticorin and the same is still pending. In the above circumstances, the petitioners filed these writ petitions suppressing all the above facts and hence, these writ petitions are liable to be dismissed.

3.Mr.V.Muruganandam, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that based on the complaint given by the petitioners, the Tahsildar conducted an enquiry and the petitioners did not produce any documents to prove their title. Therefore, the Tahsildar, is not in a position to ascertain whether any house site patta has been granted to the predecessors of the petitioners herein.

4.Learned counsel appearing for the fourth respondent would submit that already in the year 1962 itself, the fourth respondent's mother had purchased the properties in question from the respective owners and thereafter, by virtue of the registered gift deed executed by his mother, he is in possession and enjoyment of the property. He would further contend that the petitioners are residing therein as tenants in the properties and eviction petitions filed under Sections 10(2)(i) and 14(1b) of the Tamil Nadu Buildings Lease and Rent Control Act for eviction are still pending before the Rent Controller cum Principal District Munsif Court, Tuticorin. Learned counsel appearing for the petitioners is not in a position to dispute the above fact.

5.In the above circumstances, the relief sought for the petitioners in these writ petitions cannot be granted at this stage. However, liberty is granted to the petitioners to approach the Civil Court to establish their title over the property and contest the proceedings initiated by the fourth respondent under the Tamil Nadu Buildings Lease and Rent Control Act which are stated to be still pending before the competent authority. Accordingly, the writ petitions are dismissed. No costs. Consequently, W.M.P(MD)Nos.14695, 14715, 14683, 14368 14369 and 14180 of 2016 are closed.

Sd/  
Assistant Registrar(T & P)



To

1. The District Collector,  
Office of the District Collector,  
Thoothukudi District.

2. The Commissioner,  
Thoothukudi Corporation,  
Thoothukudi.

3. The Tahsildar,  
Office of the Tahsildar,  
Thoothukudi District.

+1cc to M/s.R.Alagumani, Advocate, in SR No.67717.

+1cc to M/s.S.Kadarkarai, Advocate, in SR No.66919.

+1cc to Special Government Pleader in SR.No.67035.

Writ Petition (MD) No.20523, 20524,  
19967, 19968, 19670, and 20507 of 2016  
08.11.2016

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