



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2016

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CORAM :

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition(MD)No.3488 of 2016

and

W.M.P (MD)No.3091 and 3092 of 2016

Latha

... Petitioner

Vs.

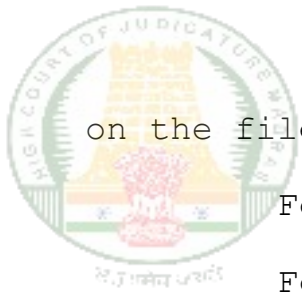
1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Tahsildar,
Taluk Office,
Thiruvadanai,
Thiruvadanai Taluk,
Ramanathapuram District.
3. The Inspector of Police,
Thondi Police Station,
Thondi, Thiruvadanai Taluk,
Ramanathapuram District.
4. The Revenue Inspector,
Thiruvadanai Taluk Office,
Thiruvadanai,
Ramanathapuram District.
5. The Village Administrative Officer,
Nambuthallai,
Thiruvadanai Taluk,
Ramanathapuram District.

6.Latha

7.Muniyandi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari to call for the records pertaining to Na.Ka.R.R.No.1/65783/2015 dated 28.12.2015



on the file of the first respondent and quash the same.

For Petitioner : Mr.J.M.Hassanul Bazari

For Respondents : Mr. J.Gunaseelanmuthiah
for R1 to R5 Government Advocate

Mr.K.R.Laxman for R6

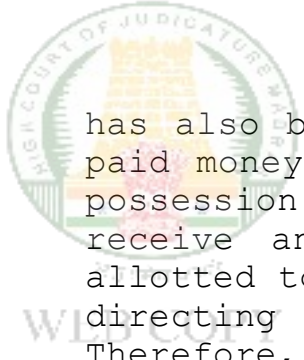
O R D E R

This writ petition has been filed challenging the order dated 28.12.2015 passed by the first respondent.

2. The impugned order has been attacked by the petitioner only on the ground that she is a tenant who continuous to be in possession after expiry of the lease is tenant at sufferance and such tenant cannot be evicted without due process of law. The impugned order is nothing but an attempt to evict the tenant without due process of law. The petitioner admits that the property was allotted to the 6th respondent towards Tsunami victim and with her, she entered into a lease in respect of the above said Tsunami house. Hence, she would contend that she is entitled to benefits under the Tenancy Laws and she cannot be evicted otherwise except by due process of law.

3. On the contra, the learned counsel appearing for the 6th respondent would only contend that the 6th respondent being a widow, whose husband died in Tsunami, the property was allotted to her by the Government. But the 6th respondent's father and the petitioner have colluded together and it is the 7th respondent herein had inducted the petitioner as a tenant, throwing away the 6th respondent and thus, the petitioner has no legal right to continue in the Tsunami affected property. The legal right of the 6th respondent has been taken over, for which, a complaint has been given, based on enquiry, the authority passed an appropriate orders. The impugned order has been passed pursuant to the filing of the writ petition in W.P(MD)No.18134 of 2015 filed by the fifth respondent to consider the representation and that too, after giving opportunity to the petitioner. In the said writ petition, it has been clearly found out that the petitioner cannot occupy the property as it was allotted for the Tsunami affected person.

4. On a careful reading of the entire order, it is clear that the petitioner is not a person, who has been allotted Tsunami house. The 6th respondent has been allotted with the said house, as she lost her husband in the Tsunami. Whereas, her father, the 7th respondent herein had inducted the petitioner as a tenant. <https://hdcse.csejcts.gov.in/hdcse/jcts/> nor the petitioner can enjoy the property as a tenant. This is what has been pointed out in the order. In fact, the petitioner



has also been examined. She has also admitted that she has only paid money to the 7th respondent as a mortgagee and inducted into possession. The 7th respondent first of all has no right to receive any mortgage amount for the property, which has been allotted to the 6th respondent. Rightly, the order has been passed directing the petitioner to vacate on or before 13.01.2016. Therefore, I do not find any reason to interfere with the reasoned order passed by the first respondent. At this juncture, the petitioner seeks some more time for eviction. Considering the said plea, the petitioner is granted time only upto 31.05.2016 to vacate and the property, failing which, the authority will dispossess and hand over the possession to the 6th respondent.

5. In view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram, Ramanathapuram District.
2. The Tahsildar,
Taluk Office, Thiruvadanai,
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3. The Inspector of Police, Thondi Police Station, Thondi,
Thiruvadanai Taluk, Ramanathapuram District.
4. The Revenue Inspector, Thiruvadanai Taluk Office,
Thiruvadanai, Ramanathapuram District.
5. The Village Administrative Officer, Nambuthallai,
Thiruvadanai Taluk, Ramanathapuram District.

+1cc to M/s.J.M.Hassanul Bazari, Advocate, Sr.No.24058

+1cc to the Special Government Pleader, Sr.No.23643

+1cc to Mr.K.R.Laxman, Advocate, Sr.No.24075

skn

JM/GSV-PM/SAR-I/06.06.2016/3P-9C