

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2017

CORAM:

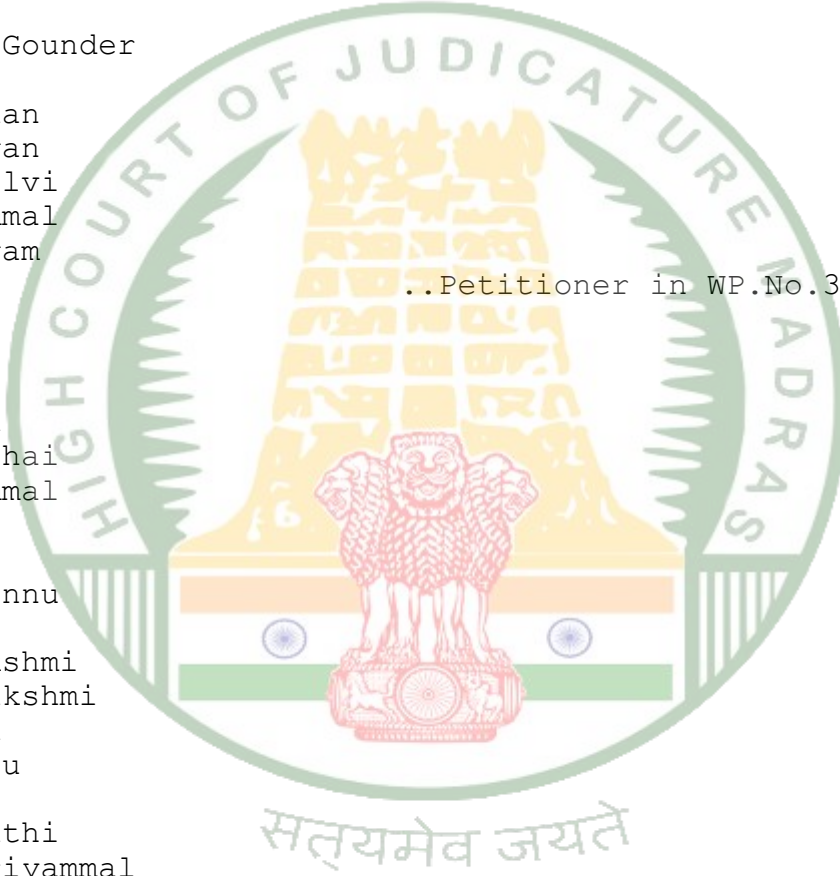
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.33615 & 33616 of 2017 and
WMP.Nos.37177 & 37178 of 2017

1. Chinna Gounder
2. Sundari
3. Narayanan
4. Seerangan
5. Kalaiselvi
6. Thuthammal
7. Shanmugam

...Petitioner in WP.No.33615/2017

- 1.Ayyammal
- 2.Thavayee
- 3.Thangam
4. Alamelu
5. Chinnathai
- 6.Govindammal
7. Valli
- 8.Aaraye
- 9.Chinnaponnu
- 10.Meena
- 11.Mahalakshmi
- 12.Dhanalakshmi
13. Vijiya
14. Alamelu
15. Mani
16. Kalavathi
17. Sundariyammal
18. Kannappan
19. Palanisamy
20. Govindaraj
21. Settu
22. Lakshmanan
23. Manivannan
24. Pachannan
25. Kandasamy
26. Kumar
27. Madhiyan
28. Palanivel
29. Natesan
30. Vedappan
31. Thangaraj
32. Ammasi
33. Boopathi



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34 Periyasamy
35 Kulandisamy
36 Mariyappan
37 Madesh
38 Mani
39 Madhiyyan

..Petitioners in WP.No.33616/2017

Vs

1.The District Collector
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem, Salem District.

3.The Tahsildar,
Salem Taluk, Salem District
both the WPs

..Respondents in

Prayer in WP No.33615 of 2017:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioners from their respective houses comprised in Survey Nos 6, 14/ 1, and 2 at No.31, Chettichavadi Village, Salem Taluk, Salem District without following the due process of law.

Prayer in WP No.33616 of 2017:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioners from their respective houses comprised in Survey Nos 14/1, 2 and 3 of No.31, Chettichavadi Village, Salem Taluk, Salem District without following the due process of law.

For Petitioners in
both WPs : Mr.K.Selvaraj

For Respondents in
both WPs : Mr.Digvijaya Pandian, AGP

COMMON ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, both the writ petitions are taken up for final disposal since the issue to be adjudicated, is one and the same. Mr.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.
WP.No.33615 of 2017

2 The petitioners claims that they are landless poor persons and they do not have any property anywhere else and hence, they have occupied the Government agricultural land in Survey Nos.6, 14/1 and 2 at No.31, Chettichavadi Village,

Salem Taluk, Salem Taluk 40 years back and started cultivating the lands and for the purpose of residence also put up a small superstructures. The petitioners would further aver that they had obtained Electricity Service Connection and Water Connection to their houses and it is also subjected to statutory levies.

3 The grievance expressed by the petitioners is that the respondents came to the residence of the petitioners on 29.11.2017 and orally threatened to dispossess them on the ground that they are encroachers. The petitioners apprehending dispossession without recourse to due process of law, came forward to file this writ petition.

WP.No.33616 of 2017

4 The petitioners in WP No.33616 of 2017 are also making a similar claim as that of the petitioners in WP No.33615 of 2017.

5 Mr.K.Selvaraj, learned counsel appearing for the petitioners has drawn the attention of this Court to the typedset of documents and would submit that the land in question are classified as "Government Waste land" and the petitioners are in possession and enjoyment of the same for over 40 years and also put up superstructures and eking out their livelihood by doing minimal jobs and they are also the beneficiaries of various welfare schemes accorded by the Government of Tamil Nadu and all of a sudden, whatsoever, they sought to be dispossessed from the site / superstructure and hence, prays for appropriate orders.

6 Per contra, Mr.Digvijaya Pandian, learned Additional Government Pleader appearing for the respondents would submit that the respondents after following the due process of law, is resorting to eviction process and hence prays for dismissal of this writ petition.

7 This Court has carefully considered the rival submissions and also perused the materials placed before it.

8 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, permit the petitioners herein to submit individual representations by enclosing relevant and authenticated documents as to their long possession and right, along with copy of this order within a period of four weeks to the 3rd respondent and the 3rd respondent who upon receipt of the same shall entertain the said representations and shall consider and dispose of the same on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioners herein and till such time, the said official shall defer further

decisions to evict / dispossess the petitioners from the site / superstructure in question.

9 It is also made clear that till the disposal of the representation by the 3rd respondent, the petitioners shall not create any third party right and shall not alter the physical features of the site / superstructure in question.

10 The writ petitions stands disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem, Salem District.

3.The Tahsildar,
Salem Taluk, Salem District

+ 2 ccs to M/s. K. Selvaraj, Advocate Sr.92314, 92315
+ 1 cc to Government Pleader Sr.92478, 92479

GMR (CO)
EU (19/01/2018)

WP.Nos.33615 and 33616/2017

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