

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.29776 of 2015

- 1.Ganesan
- 2.Ramarajan
- 3.Janarthanan
- 4.Chandrasekar
- 5.Prabu
- 6.Dhanabakkiam
- 7.Anbazhagan
- 8.Arul
- 9.Chakravarthy
- 10.Dhamodharan
- 11.Gopal
- 12.Kalvarayan
- 13.Mani
- 14.Murugan
- 15.Narayanan
- 16.Natesan
- 17.Raja
- 18.T.Chakravarthy

... Petitioners

-Vs-

1. The State of Tamilnadu,
Rep. by its Secretary,
Public Works Department,
Secretariat, Chennai 600 009.

2. The Assistant Engineer,
Irrigation, Gingee, Public Works
Dept., Villupuram District.

3. The District Collector,
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent dated 26.08.2015 and quash the same and consequently direct the 3rd respondent to issue assignment order to the petitioner.

For Petitioner : Mr.K.C.Karl Marx
For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader
For RR 1 to 3

O R D E R

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

There is a dual prayer made in the petition - quashing the impugned order dated 26.08.2015 and thereafter, directing the third respondent / District Collector to issue assignment deed in favour of the petitioners.

2.It is undisputed before us that the area is classified as 'Mazhavanthangal Periya Eri'. There is no question of grant of any rights in favour of the petitioners on account of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, rep. by its Secretary and others, reported in 2015-5-L.W. 397.

3.The aforesaid being the position, really there is no challenge which can be laid to the impugned notices.

4.We, however, make it clear that this order will not come in the way of any endeavour to rehabilitate the petitioners, if the Government so desires under any policy.

Writ petition is dismissed in the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

sra

To

1. The Secretary to Govt. of Tamilnadu,
Public Works Department,
Secretariat, Chennai 600 009.
2. The Assistant Engineer,
Irrigation, Gingee, Public Works
Dept., Villupuram District.

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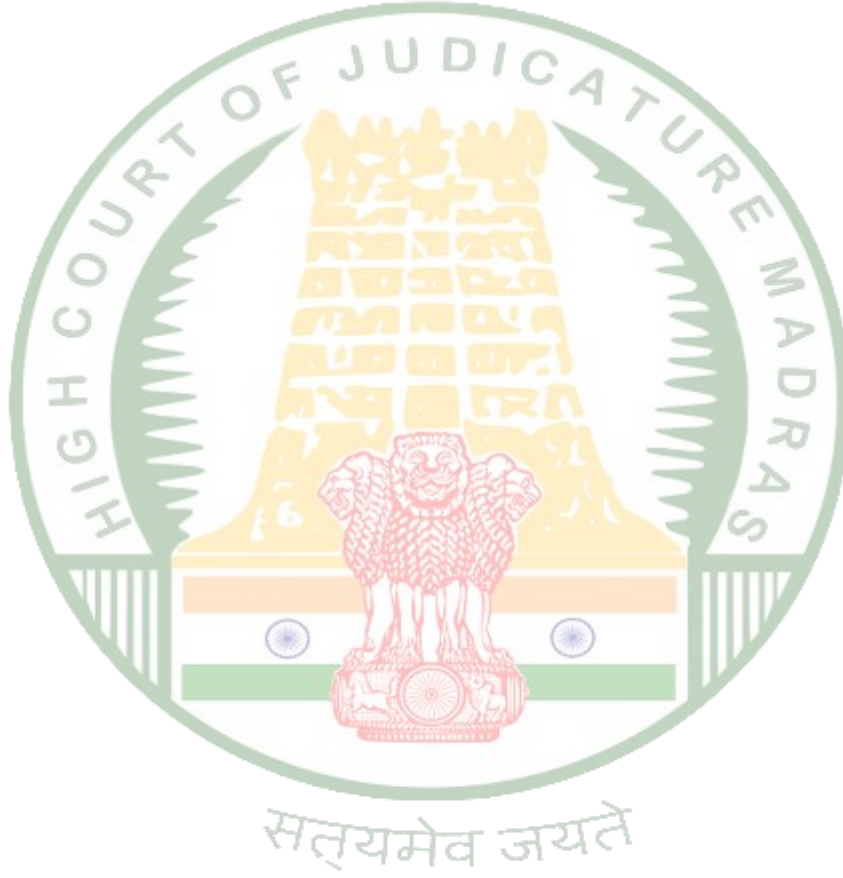
3. The District Collector,
Villupuram District.

+1cc to Mr.K.C.Karl Marx, Advocate, S.R.No.7701

+1cc to the Government Pleader, S.R.No.7860

W.P.No.29776 of 2015

CA(CO)
CA(20/02/2017)



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