



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2017

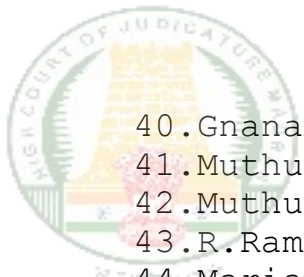
CORAM:

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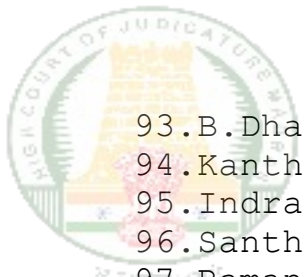
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) Nos.1064 of 2014
and
M.P (MD) .No.1 of 2014

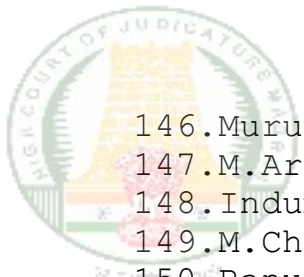
1. S.Panjavarnam
2. Manimurugan
3. Susila
4. Ramila
5. S.Krishnadevi
6. K.Kanagavalli
7. Kathiresan
8. Selvi
9. R.Pappammal
10. V.Meenakshi
11. Vijayakumar
12. Saravana Kumar
13. Jeyanthi
14. Pushpavalli
15. Annalakshmi
16. Thangeswaran
17. R.Ramuthai
18. Roopavathi
19. Vairamani
20. R.Rajendran
21. Amutha
22. Selvi
23. M.Dhanalakshmi
24. V.Saraswathi
25. Ram Babu
26. Vasantha
27. Savithri
28. Usha
29. Lalitha
30. Asha
31. Nirmala
32. Padma
33. Lakshmi
34. Jeya
35. Duraisogan
36. Kalavathi
37. B.Devi
38. Rajeshwari
39. Sumathi



40. Gnanam
41. Muthulakshmi
42. Muthu
43. R. Ramamoorthy
44. Mariammal
45. Muthukumar
46. Banumathi
47. Sagunthala
48. Selvi
49. Divya
50. T.K. Saroja
51. K.G. Lakshmi
52. Vimala
53. N. Geetha
54. J.S. Nirmala
55. K. Krishnaveni
56. Radha
57. M. Visalakshi
58. L. Chellammal
59. S. Chellammal
60. R.A. Lakshmi
61. Renuka Devi
62. Kotta Malai
63. Deivanai
64. Samayamuthu
65. Panchavarnam
66. Kuncharam
67. Muniyammal
68. Mareeswari
69. Karuppae
70. Mahalakshmi
71. Parameshwari
72. M. Vijaya
73. Nagajothi
74. Chithra
75. Panchavarnam
76. G. Vijaya
77. D. Pappa
78. Muthu Pandi
79. Pandiyammal
80. Ponnumayil
81. Jeeva
82. R. Meenakshi
83. Parameshwari
84. Muniyammal
85. Manimekalai
86. Pappathi
87. Thirukkammal
88. Kurishanmammal
89. Maruthavalli
90. Chellapandiyammal
91. Mennakshi Sundari
92. Pothumani



- 93.B.Dhanalakshmi
- 94.Kantham
- 95.Indra
- 96.Santhi
- 97.Ramana
- 98.R.Padmavathy
- 99.P.S.Rajeshwari
- 100.K.V.Devi
- 101.Pandiyammal
- 102.Neelavathi
- 103.Susila
- 104.K.G.Ramila
- 105.J.B.Girija
- 106.J.S.Dharsini
- 107.Vasantha
- 108.S.Subbu Lakshmi
- 109.Parameswari
- 110.Chellamani
- 111.Valli
- 112.Amutha
- 113.Subbulaksmi
- 114.Dhanalakshmi
- 115.Ayyammal
- 116.Thangeshwari
- 117.Vijaya
- 118.Manju
- 119.Chithra
- 120.Rajeshwari
- 121.Durai
- 122.Rajesh
- 123.Ramnath
- 124.Shenbagavalli
- 125.Gracy
- 126.Chandra
- 127.Saroja
- 128.Kamala
- 129.K.Vasanthi
- 130.Rathiga
- 131.Sarojini
- 132.Karpagavalli
- 133.Rajeshwari
- 134.Chandra
- 135.Thangam
- 136.Nagoor Ammal
- 137.Pandi
- 138.Santha
- 139.Nagalakshmi
- 140.Vasantha
- 141.P.Danishkumar
- 142.Jeya
- 143.Nagarathinam
- 144.Ravindranath
- 145.R.Ganesan



146.Murugan
147.M.Arasakkal
148.Indumathi
149.M.Chellapandi
150.Banu
151.L.P.Prema
152.V.L.Maheswari
153.Muniyammal
154.Meena
155.Umaiya
156.Chandrasekaran
157.Ganesh
158.Mookkammal
159.Kumaresan
160.Pitchaiyammal
161.Manimekalai
162.Kuppumani

... Appellants

Vs.

1.The Government of Tamil Nadu
Rep.by its Secretary,
Housing Department, Chennai.

2.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam, Chennai.

3.The Chief Executive Engineer,
Tamil Nadu Housing Board,
Chennai - 600 035.

4.The Executive Engineer cum
Administrative Officer,
Madurai Housing Unit,
Madurai Housing Board,
Avaniyapuram, Madurai.

5.The Assistant Secretary, (Allotment),
Tamil Nadu Housing Board,
Chennai-35.

6.The Revenue Divisional Officer,
Revenue Department, Madurai.

.... Respondents

PRAYER :- Writ Appeal has been filed under clause 15 of the letters patent, to set aside the order passed in W.P.(MD).No.7175 of 2009, dated 31.07.2014.

<https://hcservices.ecourts.gov.in/hcservices/>

Prayer in WP(MD)No.7175/2009:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to divide the land in S.No. 411/1 and



1/1 , at Avaniyapuram into housing plots and allot the same to the petitioners as promised by the respondent on so many occasions.

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For Appellants

: Mr.Issac Mohanlal,
learned Senior Counsel
for Mr.Veil Kani Raju

For Respondents

: Mr.V.Muruganandham,
Addl. Govt. Pleader for R1 & R6.
Mr.S.Nagarajan, for R2 to R5.
Special Government Pleader
for RR2 to 5

JUDGMENT

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.Issac Mohanlal, learned Senior Counsel assisted by Mr.Veil Kani Raju appearing for the appellants and learned Additional Government Pleader appearing for the respondents 1 & 6 and Mr.S.Nagarajan, learned counsel appearing for the respondents 2 to 5.

2.With the consent of either side, the writ appeal itself is taken up for disposal.

3.This appeal is directed against the order passed in W.P. (MD).No.7175 of 2009, dated 31.07.2014. The said writ petition was filed by the appellants / writ petitioners for issuance of a writ of mandamus, directing the respondents to divide the land in Survey No.411/1 and 1/1 at Avaniyapuram into housing plots and allot the same to the appellants.

4.The case of the appellants is that they are all encroachers of the said property and the land was subsequently handed over to the Tamil Nadu Housing Board by the State Government in G.O.Ms.No.110, dated 04.02.1998 and the Housing Board proposed to develop the land into a lay-outs under the Tamil Nadu Urban Development Project and the Local Planning Authority has also approved the lay-outs. The appellants would further contend that when they were evicted from the land, they were given assurance by the District Collector that after the lay-out is formed, they would be allotted plots and contrary to the said assurance, the plots are now sought to be sold out to the general public.

5.The Housing Board took a stand that the land in question is classified as industrial purpose and there is no question of allotment of the same for any individuals. The writ Court, taking into consideration the facts as well as the stand taken by the Housing Board observed that even assuming the stand taken by the appellants is true, they are only encroachers of the property and have got no vested interest into the property and encroachers are



bound to be evicted. At that juncture, a prayer was made on behalf of the appellants to grant alternate site, at least.

6. Considering the said submissions, while dismissing the writ petition, it was left open to the appellants to make an application to the District Collector, seeking alternate site in any other place and such application is made, it was observed that it is for the District Collector to consider the same in accordance with law.

7. After hearing the learned counsel for the parties and carefully perusing the materials placed on record, we are of the firm view that the order passed by the learned single Judge is perfectly in order, as the appellants being encroachers cannot have any vested right to claim that a particular property has to be allotted to them. However, the writ Court, taking note of the fact that certain people are landless poor, granted liberty to the appellants to approach the District Collector for allotment of alternate site. In fact, this is appropriate thing that the appellants should do as they can have no claim or lien over the land in question.

8. Accordingly, while dismissing the writ appeal, we direct the appellants to submit individual applications to the District Collector for grant of alternate site and if such applications are submitted by them, the District Collector shall direct his subordinate officers to conduct an enquiry and ascertain the eligibility or otherwise of the appellants for allotment of alternate site, whether they are landless poor etc., and consider the applications on merits in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary, Government of Tamil Nadu
Housing Department, Chennai.

2. The Revenue Divisional Officer,
Revenue Department, Madurai.

+One cc to The Special Government Pleader, SR.No.60189

+One cc to Mr.S.Nagarajan, Advocate, SR.No.60036

+One cc to Mr.M.VeilkaniRaju, Advocate, SR.No.59959

<https://hcservices.gov.in/hcservices/>

RL/6C/6P/KKR/SAR4/28/6/2017

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and

M.P (MD) .No.1 of 2014
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