



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM:

**THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN**

W.P (MD) Nos.13090 & 13091 of 2015

1.W.P (MD) No.13090 of 2015:-

B.Mani @ Masilamani

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Special Tahsildar,
(Adhi Dravida Nalathurai),
Ramanathapuram District,
Ramanathapuram.
3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.
4. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

5. S.Joseph

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent Nos.3 and 4 to implement the order of the respondents No.2 in Na.Ka. A/45/13 dated 07.05.2013 and remove the encroachment made by the respondent No.5 in Plot No.29 in Survey No. 264/1A-1B at Marunkoor Group, S.P. Pattinam Village, Thiruvadanai Taluk, Ramanathapuram District, within the time stipulated by this Court.

**2.W.P (MD) No.13091 of 2015:-**

A.Selvaraj

.. Petitioner

WEB COPY

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Special Tahsildar,
(Adhi Dravida Nalathurai),
Ramanathapuram District,
Ramanathapuram.
3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.
4. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

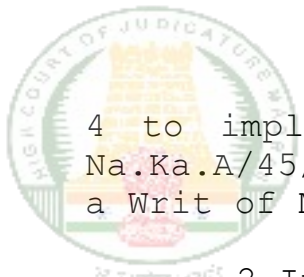
5. K.Gopal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent Nos.3 and 4 to implement the order of the respondents No.2 in Na.Ka. A/45/12 dated 05.09.2013 and remove the encroachment made by the respondent No.5 in Plot No.30 in Survey No. 264/1A-1B at Marunkoor Group, S.P.Pattinam Village, Thiruvadanai Taluk, Ramanathapuram District, within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
(In both W.Ps')
For RR 1 to 4 : Mr.M.Govindan,
(In both W.Ps') Special Government Pleader.
For R - 5 : Mr.R.Sevuga Raja
(In both W.Ps')

COMMON ORDER**[Order of the Court was made by A.SELVAM, J.]**



4 to implement the orders passed by the second respondent in Na.Ka.A/45/13, dated 07.05.2013 and 05.09.2013, by way of issuing a Writ of Mandamus.

2. In both the Writ Petitions it is averred that the petitioners have been allotted plot Nos.29 and 30 situate in Survey No.264/1A-1B at Marunkoor Group, S.P.Pattinam Village, Thiruvadanai Taluk, Ramanathapuram District, but the fifth respondent in each petition has encroached the same. Under the said circumstances, the second respondent has passed the impugned proceedings by way of stating that in plot Nos.29 and 30 encroachments are in existence. Under the said circumstances, the present Writ Petitions have been filed.

3. The learned Special Government Pleader appearing for the respondents 1 to 4 has contended to the effect that the petitioners belong to schedule caste and for their benefit plot Nos.29 and 30 have been allotted and if there is any dispossession, the District Collector is the competent authority to take appropriate action.

4. Considering the aforesaid factual circumstances and also considering the fact that the second respondent has already passed the impugned orders, the Court can direct the third respondent as stated infra.

5. In fine, both the Writ Petitions are allowed without costs and the third respondent is directed to implement the orders passed by the second respondent after giving proper opportunity to the petitioners and also the fifth respondent in each petition within a period of two months.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Special Tahsildar,
(Adhi Dravida Nalathurai),
Ramanathapuram District,



3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.

WEB COPY

4. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 52838

PS

TE/SKN : 03/05/2017 : 4P/6C

ORDER MADE IN
W.P (MD) Nos.13090 & 13091 of 2015
19.04.2017