



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.02.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)Nos.1861 to 1867 of 2017

and

W.M.P(MD)Nos.1525 to 1531 of 2017

P.Murugan .. Petitioner in
W.P(MD)No.1861 of 2017

Panchu .. Petitioner in
W.P(MD)No.1862 of 2017

Mathan Kumar .. Petitioner in
W.P(MD)No.1863 of 2017

Tahmarai Selvi .. Petitioner in
W.P(MD)No.1864 of 2017

Muthuraj .. Petitioner in
W.P(MD)No.1865 of 2017

L.Ramalingam .. Petitioner in
W.P(MD)No.1866 of 2017

T.Thangatamil .. Petitioner in
W.P(MD)No.1867 of 2017

Vs.

1.The District Collector,
Theni District, Theni.

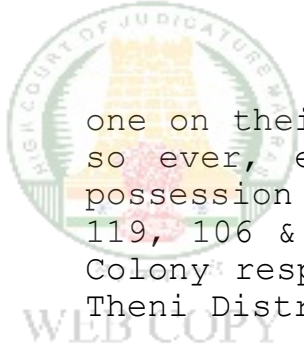
2.The District Adi-Dravidar and Tribal Welfare Officer,
The District Adi-Dravidar and Tribal Welfare Office,
Theni.

3.The Special Thasildar,
Adi-Dravidar Welfare,
Theni.

4.The Inspector,
Chinnamanoor Police Station,
Chinnamanoor, Theni District.

.. Respondents
in all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the
<https://hcservices.ecourts.gov.in/hcservices/>
Constitution of India praying for the issuance of a Writ of Mandamus
forbearing the respondents and their men, agents, servants or any



one on their behalf of them by proceeding further in any manner what so ever, either way of evicting and interfering in the peaceful possession of the petitioners in S.F.No.344/2b, Block Nos.124, 105, 119, 106 & 107, 121, 66 and 109, 110 new T.S.No.66 in Ward-3, Dhobi Colony respectively at Chinnamanor Village, Uthamapalayam Taluk and Theni District.

For Petitioner : Mr.N.Shanmugaselvam
in all W.Ps.

For Respondents : Mr.M.Govindan,
in all W.Ps. Special Government Pleader.

COMMON ORDER

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

These writ petitions have been filed under Article 226 of the Constitution of India praying to direct the respondents not to take eviction proceedings in respect of survey numbers mentioned in the petitions, by way of issuing a writ of mandamus.

2.In all the petitions it is averred to the effect that with regard to survey numbers mentioned therein, assignments have been granted in favour of the petitioners and now they are in active possession, but the second respondent all of a sudden has issued a notice and thereby directed the petitioners to come for enquiry. Under the said circumstances, these writ petitions have been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioners has advanced his argument on the basis of averments made in the writ petitions.

4.The main contention putforth on the side of the petitioners is that with regard to survey numbers mentioned in the petitions, assignments have been granted in their favour and in the capacity of assignees, they are enjoying the lands in question and therefore the second respondent has no *locus standi* to issue such kind of notice for enquiry.

5.Per contra, the learned Special Government Pleader appearing for the respondents has contended to the effect that Survey Nos.342/3, 343/4, 343/7 and 344/2B have been acquired through Land Acquisition Proceedings and compensations have also been given to the erstwhile land owners and further the said survey numbers have been acquired only for the purpose of giving assignment to landless Most Backward Community people and the petitioners have falsely obtained assignments and under the said circumstances for conducting proper enquiry, the second respondent has issued notices.

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

6.In fact this Court has perused the concerned file relating



to Land Acquisition Proceedings and ultimately found that the survey numbers mentioned on the side of the respondents have been acquired for the purpose of assigning the same to landless Most Backward Community people.

7. The main contention put forth on the side of the petitioners is that assignments have been issued in their favour.

8. Considering the rival contentions put forth on either side, this Court is inclined to pass the following order.

9. In fine, the second respondent is directed to give fresh notice to all the petitioners and thereby direct them to produce relevant records. The second respondent is further directed to conduct proper enquiry and pass suitable orders. With the above observations, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District, Theni.
2. The District Adi-Dravidar and Tribal Welfare Officer,
The District Adi-Dravidar and Tribal Welfare Office,
Theni.
3. The Special Thasildar,
Adi-Dravidar Welfare,
Theni.
4. The Inspector,
Chinnamanoor Police Station,
Chinnamanoor, Theni District.

+1cc to M/s. N.SHANMUGA SELVAM, ADVOCATE, SR NO.8723
+1 cc to Special Government Pleader, Sr No.8921

smn
MAS/CM-MSA:28.02.2017:3P/7C

COMMON ORDER MADE IN
W.P (MD) Nos.1861 to 1867 of 2017
and
W.M.P (MD) Nos.1525 to 1531 of 2017
16.02.2017