



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.03.2017

CORAM:

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

W.P (MD) Nos.4905 to 4924 of 2017
and
W.M.P (MD) Nos.3943 to 3962 of 2017

R.KALYANI	...Petitioner in WP(MD).4905/2017
RENGARAJ	...Petitioner in WP(MD).4906/2017
D.CHINNASAMY	...Petitioner in WP(MD).4907/2017
MURUGADAS	...Petitioner in WP(MD).4908/2017
ASAITHAMBI	...Petitioner in WP(MD).4909/2017
SHANTHI	...Petitioner in WP(MD).4910/2017
S.KUMARAVEL	...Petitioner in WP(MD).4911/2017
M.MARCELIN	...Petitioner in WP(MD).4912/2017
P.RAJA	...Petitioner in WP(MD).4913/2017
PAPATHI	...Petitioner in WP(MD).4914/2017
RAJAMMAL	...Petitioner in WP(MD).4915/2017
REVATHY	...Petitioner in WP(MD).4916/2017
NAGAMMA	...Petitioner in WP(MD).4917/2017
M.MOHAN	...Petitioner in WP(MD).4918/2017
AMARVATHY	...Petitioner in WP(MD).4919/2017
P.PITCHAI	...Petitioner in WP(MD).4920/2017
ALPONES	...Petitioner in WP(MD).4921/2017
A.ANTONY	...Petitioner in WP(MD).4922/2017
MARIMUTHU	...Petitioner in WP(MD).4923/2017
P.MURUGAN	...Petitioner in WP(MD).4924/2017

- Vs. -

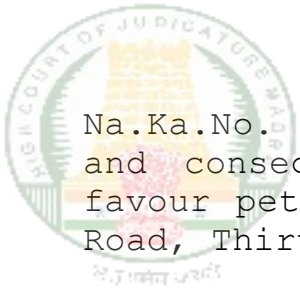
1 THE DISTRICT COLLECTOR,
THIRUCHIRAPALLI DISTRICT,
THIRUCHIRAPALLI.

2 THE ASSISTANT COMMISSIONER,
ARIYAMANGALAM ZONE,
THIRUCHIRAPALLI CORPORATION,
THIRUCHIRAPALLI.

3 T.S.SWAMY AND CO REP. BY
ITS PARTNER FRANCIS,
20,EDA STREET, TRICHY - 620 008. ...Respondents in all WP's

Prayer in WP(MD). 4905/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Certiorari Mandamus calling for the records relating to the
impugned proceedings initiated by the 2nd respondent vide



Na.Ka.No.. 1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No. 27 D, Asari Street, Eda Street Road, Thiruchirapalli - 8.

Prayer in WP(MD). 4906/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door no.27/G, Asari street, Trichy - 8.

Prayer in WP(MD). 4907/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27, Asari Street, Trichy - 8

Prayer in WP(MD). 4908/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue writ of Certiorarified mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door no.27/2, Asari Street, Trichy-8

Prayer in WP(MD). 4909/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door no.27B, Asari street, Trichy - 8 .

Prayer in WP(MD). 4910/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27-B, Asari Street, Eda Street, Thiruchirapalli - 8

**Prayer in WP(MD). 4911/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue writ of certiorarified mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/f1/ariya dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door no.27b, asari street, trichy-8 and

Prayer in WP(MD). 4912/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door no.27G, School Road, Muslim Street, Trichy - 8 .

Prayer in WP(MD). 4913/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27-G, Asari Street, Eda Street, Thiruchirapalli - 8

Prayer in WP(MD). 4914/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27B, Asari Street, Thiruchirapalli- 8

Prayer in WP(MD). 4915/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.61, Eda Street, Asari Street, Trichy - 8 .

Prayer in WP(MD). 4916/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27E/7, Asari Street, Eda Street Road, Thiruchirapalli - 8

Prayer in WP(MD). 4917/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27B, School Road, Muslim Street, Thiruchirapalli- 8

Prayer in WP(MD). 4918/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27/2, Asari Street, Trichy - 8.

Prayer in WP(MD). 4919/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27, Asari Street, Eda Street, Thiruchirapalli - 8

Prayer in WP(MD). 4920/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27B, Asari Street, Eda Road, Trichy - 8

Prayer in WP(MD). 4921/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door no.27B, School Road, Muslim Street, Trichy - 8 .

Prayer in WP(MD). 4922/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27B/9, Asari Street, Trichy - 8

Prayer in WP(MD). 4923/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.Ka.No.1902/2004/F1/ARIYA dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door No.27/1A, Asari Street, Trichy - 8

Prayer in WP(MD). 4924/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue writ of certiorarified mandamus calling for the records relating to the impugned proceedings initiated by the 2nd respondent vide Na.KA.No.1902/2004/f1/ariya dated 02.03.2017 and quash the same and consequently direct the 1st respondent to issue patta in favour petitioner bearing door no.27b, asari street, trichy-8

For Petitioners : Mr.G.R.Swaminathan
for Mr.T.Antony Arul Raj

For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondent No.2 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

COMMON ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>
These writ petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to

the notices dated 02.03.2017 passed in Na.Ka.No.1902/2004/F1/ARIYA by the second respondent and quash the same, by way of issuing a writ of certiorarified mandamus.

2. In all the writ petitions, it is averred that in pursuance of the order dated 09.01.2017 passed in W.P(MD)No.9707 of 2011, this Court has directed the authorities found therein to take appropriate proceedings of eviction under due process of law. The second respondent has erroneously issued final notices dated 02.03.2017. Under the said circumstances, the second respondent has violated the condition imposed in the order dated 09.01.2017 passed in W.P(MD)No.9707 of 2011 and therefore the present writ petitions have been filed for getting the relief sought therein.

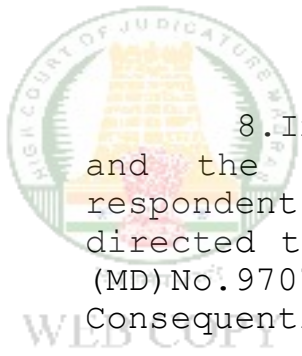
3. Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the first respondent and Mr.N.S.Karthikeyan, learned Additional Government Pleader, has taken notice for the second respondent. Considering the nature of the relief sought in the writ petition, notice need not be sent to the third respondent.

4. The learned counsel appearing for the petitioners has sparingly contended to the effect that the impugned notices issued by the second respondent are not show cause notices and the same are nothing, but final orders and under the said circumstances the second respondent has not strictly followed the direction given in the order passed in W.P(MD)No.9707 of 2011 and therefore all the notices mentioned in the petitions are liable to be quashed.

5. The learned Additional Government Pleader appearing for the second respondent has contended to the effect that the impugned notices are nothing, but show cause notices and under the said circumstances these writ petitions are not factually and legally maintainable and therefore the same are liable to be dismissed.

6. On the basis of the divergent submissions made on either side, this Court has perused the proceedings issued by the second respondent on 02.03.2017 and ultimately found that they are not show cause notices. As rightly pointed out on the side of the petitioners that the proceedings dated 02.03.2017 are final orders.

7. Considering the fact that the second respondent as per direction given in the order passed in W.P(MD)No.9707 of 2011, is bound to take appropriate proceedings under due process of law and also considering that the second respondent has passed only final orders, this Court is of the view to quash the proceedings dated 02.03.2017 passed in Na.Ka.No.1902/2004/F1/ARIYA.



8. In fine, these writ petitions are allowed without costs and the proceedings dated 02.03.2017 issued by the second respondent are quashed. However the second respondent is strictly directed to follow the direction given in the order passed in W.P (MD) No. 9707 of 2011 and initiate appropriate proceedings. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thiruchirapalli District,
Thiruchirapalli.
2. The Assistant Commissioner,
Ariyamangalam Zone,
Thiruchirapalli Corporation,
Thiruchirapalli.

+5CC to M/S.T. Antony Arul Raj, Advocate, SR.No. 17681
+1CC to M/S.N. Tamil Mani, Advocate, SR.No. 16717
+1CC to the Special Government Pleader SR.No. 17364

COMMON ORDER MADE IN
W.P (MD) Nos. 4905 to 4924 of 2017
and
W.M.P (MD) Nos. 3943 to 3962 of 2017
22.03.2017

smn

AM/SKN RSK/06.04.2017/7P/10C