



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2017

CORAM:

WEB COPY

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

W.P (MD) Nos.5333 to 5366 of 2017
and
W.M.P (MD) Nos.4275 to 4308 of 2017

BASHEER MOHAMED	...	Petitioner(s)	in WP (MD) .	5333/	2017
AMANULLA	...	Petitioner(s)	in WP (MD) .	5334/	2017
AHAMATTU MEERAL	...	Petitioner(s)	in WP (MD) .	5335/	2017
KATHIJA BEEVI	...	Petitioner(s)	in WP (MD) .	5336/	2017
MOHAMMED	...	Petitioner(s)	in WP (MD) .	5337/	2017
M.AYISHAL BEEVI	...	Petitioner(s)	in WP (MD) .	5338/	2017
D.IWAN BEEVI	...	Petitioner(s)	in WP (MD) .	5339/	2017
RAHMATHULLA	...	Petitioner(s)	in WP (MD) .	5340/	2017
ABBAS	..	Petitioner(s)	in WP (MD) .	5341/	2017
ISMAYIL MEERAL	...	Petitioner(s)	in WP (MD) .	5342/	2017
H.MOHAMMED ISMAIL	...	Petitioner(s)	in WP (MD) .	5343/	2017
MAIDEEN MEERAL	...	Petitioner(s)	in WP (MD) .	5344/	2017
MOHAMED KASIM	...	Petitioner(s)	in WP (MD) .	5345/	2017
S.AMANULLA	...	Petitioner(s)	in WP (MD) .	5346/	2017
NAHOOR MEERAL	...	Petitioner(s)	in WP (MD) .	5347/	2017
BASIRA BEGUM	...	Petitioner(s)	in WP (MD) .	5348/	2017
MOIDEEN BEEVI	...	Petitioner(s)	in WP (MD) .	5349/	2017
RESAVU MEERAL	...	Petitioner(s)	in WP (MD) .	5350/	2017
AYISHAL	...	Petitioner(s)	in WP (MD) .	5351/	2017
KATHIJA BEEVI	...	Petitioner(s)	in WP (MD) .	5352/	2017
RAHMATHULLA	...	Petitioner(s)	in WP (MD) .	5353/	2017
MEERAN MOIDEEN	...	Petitioner(s)	in WP (MD) .	5354/	2017
YUSUB	...	Petitioner(s)	in WP (MD) .	5355/	2017
MUTHAR BEEVI	...	Petitioner(s)	in WP (MD) .	5356/	2017
ABDUL RAHUMAN	...	Petitioner(s)	in WP (MD) .	5357/	2017
MOHAMED ISMAIL	...	Petitioner(s)	in WP (MD) .	5358/	2017
MAHUMUTHAL BEEVI	...	Petitioner(s)	in WP (MD) .	5359/	2017
MOHAMED KANI	...	Petitioner(s)	in WP (MD) .	5360/	2017
AMATHAI RAHIMA	...	Petitioner(s)	in WP (MD) .	5361/	2017
SEYINAMBU	...	Petitioner(s)	in WP (MD) .	5362/	2017
SYED SULAIMAN	...	Petitioner(s)	in WP (MD) .	5363/	2017
SEYINAMBU BEGUM	...	Petitioner(s)	in WP (MD) .	5364/	2017
SEIK MEERAL	...	Petitioner(s)	in WP (MD) .	5365/	2017
MOHAMED KANI	...	Petitioner(s)	in WP (MD) .	5366/	2017



Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Divisional Engineer,
State Highways,
Construction and Maintenance,
Senkottai,
Tirunelveli District.

4.The Thasildar,
Senkottai,
Tirunelveli District.

.. Respondents

Prayer in WP(MD) . 5333/ 2017 :

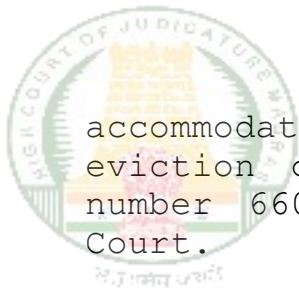
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1421 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5334/ 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 records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 660/1 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5335/ 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 records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative



accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 660/1 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5336/ 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 records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5337/ 2017 :

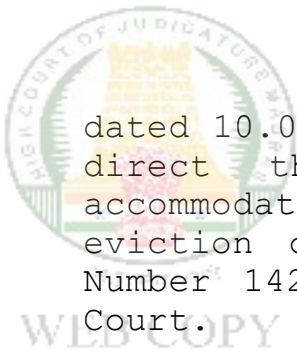
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Prayer in WP(MD) . 5338/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 660/1 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5339/ 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 records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2



dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the Survey Number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5340/ 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 records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5341/ 2017 :

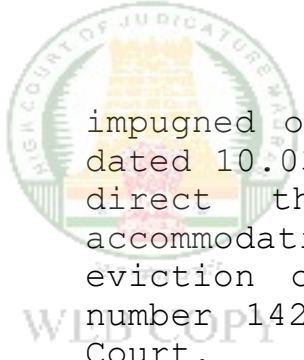
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Prayer in WP(MD) . 5342/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the Survey Number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5343/ 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 records relating to the



impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5344/ 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 records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondent 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey Number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5345/ 2017 :

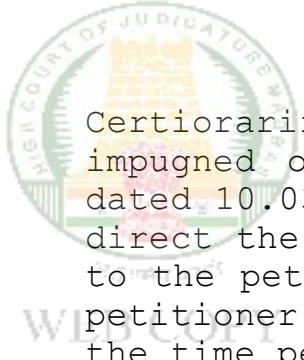
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Prayer in WP(MD) . 5346/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5347/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondent 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey Number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5348/ 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 records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5349/ 2017 :

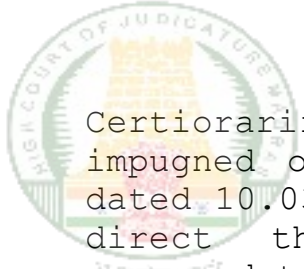
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Prayer in WP(MD) . 5350/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondent 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey Number 1420/3 within the time period stipulated by this Honble Court.

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Prayer in WP(MD) . 5352/ 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 records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5353/ 2017 :

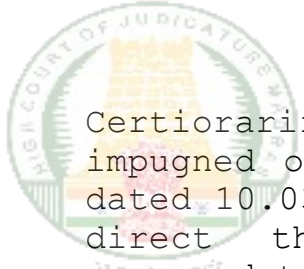
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Prayer in WP(MD) . 5356/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondent 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey Number 1421 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5357/ 2017 :

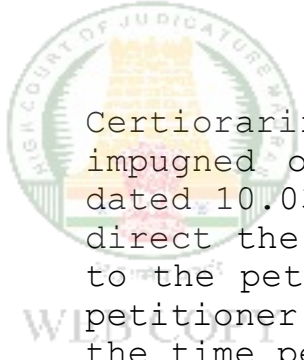
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Prayer in WP(MD) . 5358/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5359/ 2017 :

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Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondent 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey Number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5360/ 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 records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1037/6 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5361/ 2017 :

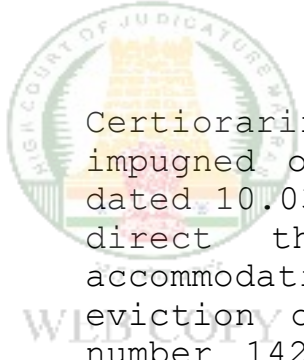
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Prayer in WP(MD) . 5362/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondent 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey Number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5363/ 2017 :

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Certiorarified Mandamus calling for records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5364/ 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 records relating to the impugned order made by the 2nd respondent in K.No. 128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1420/3 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5365/ 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 records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondent 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey Number 1421 within the time period stipulated by this Honble Court.

Prayer in WP(MD) . 5366/ 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 records relating to the impugned order made by the 2nd respondent in K.No.128-1/2017/A2 dated 10.03.2017 and quash the same as illegal and consequently to direct the respondents 1 and 3 to provide alternative accommodation to the petitioner and her family, in the event of eviction of the petitioner by the respondents from the survey number 1421 within the time period stipulated by this Honble Court.



WEB COPY

For Petitioner : Mr.M.Ajmal Khan
in all W.Ps. Senior Counsel for Mr.M.Mohaboob Athiff
for M/s.Ajmal Associates

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

COMMON ORDER

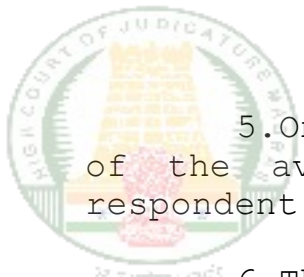
[Common Order of the Court was made by **A.SELVAM, J.**]

These writ petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to the impugned order dated 10.03.2017 passed in K.No.128-1/2017/A2 by the second respondent and quash the same and also for giving necessary direction to the respondents 1 and 3 to provide alternative accommodation to the petitioners, by way of issuing a Writ of Certiorarified Mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for all the respondents.

3.The learned Senior Counsel appearing for the petitioners has contended to the effect that the second respondent has passed the impugned order to all the petitioners even without giving sufficient opportunity and further the petitioners have been granted pattas in respect of their dwelling houses. Since the second respondent has not given sufficient opportunity to putforth the contention/objection on the part of the petitioners, the impugned order dated 10.03.2017 is liable to be quashed and further the respondents 1 and 3 are bound to give alternative accommodation to all the petitioners and therefore these Writ Petitions have been filed.

4.The learned Special Government Pleader appearing for the respondents has also equally contended to the effect that one of the encroachers by name K.S.Ahmed has filed W.P(MD)No.4296 of 2017 on the file of this Court wherein the Division Bench of this Court has specifically directed the second respondent therein to intimate the direction issued by this Court to other individuals to whom such notices have been issued so that they will be in a position to submit their objection within the time stipulated and therefore the technical point raised on the side of the



5. On the basis of rival submissions and also on the basis of the available records, it is made clear that the second respondent has passed the impugned order dated 10.03.2017.

6. The main gravamen expressed on the side of the petitioners is that they have not been given sufficient opportunity to put forth their contentions and further they have been issued pattas in respect of their dwelling houses.

7. Considering the aforesaid factual circumstances and also considering the main contention put forth on the side of the petitioners, this Court is inclined to pass the following order.

8. In fine, all the petitioners are directed to submit their objections collectively to the second respondent and the second respondent is directed to dispose of the same on merits after giving sufficient opportunity to the petitioners within a period of one month. With the above observations, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

SD/-

ASSISTANT REGISTRAR (AS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Assistant Divisional Engineer,
State Highways,
Construction and Maintenance,
Senkottai,
Tirunelveli District.

3. The Thasildar,
Senkottai,
Tirunelveli District.

+ 34 CCS TO M/S. AJMAL ASSOCIATES ADVOCATE, SR NO. 18711

+ 1 CC TO SPECIAL GOVERNMENT PLEADER SR NO. 19286

ps

MAS/SV-MMS:12.04.2017:12P-39C

COMMON ORDER MADE IN
W.P (MD) Nos. 5333 to 5366 of 2017
and
W.M.P (MD) Nos. 4275 to 4308 of 2017
28.03.2017