

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.1258 of 2011
and M.P.No.1 of 2011

1. Veerappan
2. Ramachandran
3. Jayaraman
4. Jagadeesan
5. Ramraj
6. Natarajan
7. Arumugam
8. Arumugam
9. Manohar
10. Vinayagamurthy
11. Rajamurthy
12. Neelaveni
13. Balachander
14. Maaran
15. Mathialagan
16. Muthu
17. Manoharan
18. K.Suguna @ Malarvizhi
19. P.Munusamy
20. A.Kuppurathinam @ Kuppuraj
21. A.Velmurugan
22. D.Arumugam
23. M.Sakthivel
24. M.Adalarasu
25. M.Kothandapani
26. M.Munusamy
27. K.Ramalingam
28. B.Manivannan
29. R.Sadayandi
30. N.Tamizh Selvan
31. N.Vasu
32. K.Munisamy
33. Natarajan
34. Annadurai

... Petitioners

Vs.

1. The Sub Collector (North),
Puducherry Union,
Puducherry.
2. The Tahsildar,
Taluk Office,
Puducherry.
3. P.Thambidurai ... Respondents
[Writ Petition is dismissed as not pressed against the
3rd respondent, by order of this Court dated, 25.07.2013]

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 from evicting the petitioners from the respective premises situated at Pachaivaliyamman Koil Street, Vaithikuppam, Puducherry - 605 012 without due process of law.

For Petitioners : M/s.S.Doraisamy

For Respondents : Mrs.G.DJEARANY, G.A. (P),
for RR1 & 2

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Puducherry) for respondents 1 and 2 and perused the materials available on record.

2. The petitioners have come forward with this petition for issuance of a Writ of mandamus, forbearing the respondents 1 and 2 from evicting the petitioners from the respective premises situated at Pachaivaliyamman Koil Street, Vaithikuppam, Puducherry without due process of law.

3. According to the petitioners, they are all fishermen and they have been living in Vaithikuppam Village and they were granted patta by the Union Territory of Puducherry. The petitioners would state that during December 2004, Tsunami waves struck Puducherry coast, in which, their residential houses were badly damaged. Hence, for their rehabilitation, the respondent Government had decided to construct permanent houses, by issuing G.O.Ms.No.17, Department of Revenue and Disaster Management, dated 13.06.2008, allotting new houses to the Tsunami affected people on condition that they should surrender and give possession of their houses, which were affected during Tsunami.

4. It is further stated that the houses constructed under the Tsunami Scheme were not sufficient for the occupation of the

family members and it was also far away from the sea-shore. Hence, they made representation and the Government by issuing G.O.Ms.No.35, Department of Revenue and Disaster Management, dated 23.11.2009, modified the earlier G.O.Ms.No.17, dated 13.06.2008 and thereby permitting the residents to retain their houses existed before Tsunami.

5. The grievance expressed by the petitioners is that despite the issuance of the above G.Os., the respondents 1 and 2 have visited their place on 07.01.2011 to vacate them from their houses.

6. The second respondent has filed a detailed counter affidavit admitting the issuance of G.O.Ms.No.17, dated 13.06.2008 and the subsequent G.O.Ms.No.35, dated 23.11.2009 and it is further stated that the respondents 1 and 2 have no intention to vacate the petitioners from their premises situated at Pachaivaliyamman Koil Street, Vaithikuppam, Puducherry and if any necessity arises in future to vacate the petitioners from their premises, the same would be done by following due process of law.

7. In the light of the above counter affidavit filed by the second respondent, this Court is of the opinion that no further adjudication is required in this Writ Petition. Recording the said counter affidavit, the Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Sub Collector (North),
Puducherry Union, Puducherry.
2. The Tahsildar,
Taluk Office, Puducherry.

+lcc to M/s.S.Doraisamy, Advocate, S.R.No.75499

W.P.No.1258 of 2011

RV(CO)
CS/07/12/2018