

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.7558/2018 & WMP.No.9438/2018

1.Mr.D.Selvaraj  
2.S.Prakash  
3.C.Chinnaponnu  
4.N.Ravindran

.. Petitioners

Vs

1.The District Collector  
Collectorate, Nagapattinam District.  
2.The Salt Factory Officer  
Government of India  
Nagapattinam Salt Factory  
Nagapattinam 611 001.  
3.The Revenue Divisional Officer  
O/o.The Revenue Divisional Officer  
Mayiladuthurai.  
4.The Superintendent of Police  
O/o.The Superintendent of Police  
Nagapattinam District.

5.The Tahsildar

Taluk Office, Tharangapadi Taluk.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records from the 2<sup>nd</sup> respondent letter F.No.23/W/ESE No.17/2012-13/2013 dated 01.03.2018 and quash the same and consequently to direct the 2<sup>nd</sup> respondent to permit the petitioners to reside in their respective houses in Survey No.221, of Porayar Village, Tharangampadi Taluk, Palla Harijana Colony Rajiv Puram, Porayar.

|                 |                                               |
|-----------------|-----------------------------------------------|
| For Petitioners | : Mr.P.Saravanan                              |
| For RR 1,3,4&5  | : Mr.T.M.Pappiah, Spl. G.P.                   |
| For R2          | : Mr.G.Karthikeyan,<br>Asst.Solicitor General |

## ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.T.M.Pappiah, learned Special Government Pleader accepts notice on behalf of the respondents 1, 3, 4 and 5 and Mr.G.Karthikeyan, learned Assistant Solicitor General accepts notice on behalf of the 2nd respondent.

2 The petitioners claim that they are landless agricultural labourers and are members of the Tamil Nadu Agricultural Labourers - farmers [Social Security and Welfare] Scheme, 2006 and they are in possession and enjoyment of the land in S.NO.221, situate at Poraiyar Village, Tharangampadi Taluk, Nagapattinam District for very many years and they are also residing along with their families and eking out their livelihood by doing coolie work. The petitioners claim that the superstructures put up by them are also subjected to statutory levies and to their shock and surprise, all of a sudden, the 2nd respondent has issued the impugned notice dated 01.03.2018 stating that they are in unauthorised occupation of the said land belonging to the Ministry of Salt, Government of India and calling upon them to vacate and it is further state that though they have been granted 15 days time to vacate and deliver the vacant possession, they did not do so and a further period of 15 time was also granted to them to vacate and deliver the vacant peaceful possession of the land, failing which, with the help of police and Revenue Officials, the superstructures will be demolished and possession of the land will be taken and making a challenge to the said notice, the petitioners came forward to file the present writ petition.

3 The learned counsel for the petitioners would submit that the petitioners are landless labourers, eking out their livelihood by doing coolie work and if they are dispossessed all of a sudden, they and their family members are likely to suffer grave hardship and loss and prays for appropriate orders.

4 The Court heard the submissions of Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1, 3, 4 and 5 and Mr.G.Karthikeyan, learned Assistant Solicitor General appearing for the 2nd respondent and perused the materials placed before it.

5 Though the petitioners pray for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 2nd respondent to treat the impugned notice dated 01.03.2018 as a Show Cause Notice and the petitioners are granted liberty to submit to submit individual reply/representation to the show cause notice by enclosing relevant and authenticated documents within a period of six weeks from the date of receipt of a copy of this order and the 2nd respondent,

upon receipt of the same, is directed to consider the said representations on merits and in accordance with law and pass appropriate orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioners and till such time, the 2nd respondent shall defer further decision to dispossess the petitioners from the land in question. It is made clear that the petitioners, till the disposal of their individual representation/reply to be submitted by them by the 2nd respondent, shall not create any third party rights in respect of the superstructures/site in question and shall not alter the physical features also.

6 The writ petition stand disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

AP

To

1.The District Collector  
Collectorate, Nagapattinam District.

2.The Salt Factory Officer  
Government of India  
Nagapattinam Salt Factory  
Nagapattinam 611 001.

3.The Revenue Divisional Officer  
O/o.The Revenue Divisional Officer  
Mayiladuthurai.

4.The Superintendent of Police  
O/o.The Superintendent of Police  
Nagapattinam District.

5.The Tahsildar  
Taluk Office, Tharangapadi Taluk.

+1 cc to Mr.P.Saravanan, Advocate SR.NO. 24193

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 24604

JK 12/04/18

WP.No.7558/2018