

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.22440 of 2007 and
M.P.No.1 & 2 of 2007

1. R.Saraswathi
2. Seethalakshmi
3. Gandhimathi ... Petitioners
Vs

1. The District Collector,
Erode District,
Erode.
2. The Tahsildar,
Perundurai Taluk Office,
Erode District.
3. The President,
Seenapuram Panchayat,
Perundurai Taluk Office,
Erode District ... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records relating to the proceedings of the 2nd respondent in O.Mu.No.2852/07/A8 dated 27.02.2007 to quash the same.

For Petitioner : Mr.V.S.Senthil Kumar

For Respondents: Mr.K.Ravikumar,
Additional Government Pleader
for R1 to R3

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O R D E R

The case of the petitioner in this writ petitioner is that originally they lived in a Harijan Colony, Kallakualam, Pattakkaranpalayam, Ayikoundanpalayam, Perundurai Erode District and the petitioners lands were acquired by the Government for laying road and in this regard, the petitioner sent representation to the Chief Minister to allot him housing site

on the ground of communal status. The same was considered by the Government and lands was also allotted to them on 23.10.2003 and subsequently, granted patta which was opposed by the Upper case people of that locality. The grievance now expressed by the petitioners is that the 2nd respondent after allotting the land to the petitioners, had passed the impugned order stating that the petitioners are already holding a land in the same village and they are not entitled for the same and if the petitioners were not evicted from the said land there will be a law and order problem and aggrieved by the said impugned order, this petitioners came forward to file this writ petition.

2. Considering the facts and submissions, this Court finds that the impugned order issued by the 2nd respondent is contrary to the allotment order passed and it is duty of the 2nd respondent to give required protection and ensure the petitioners occupation in view of the patta granted to them and hence, I am inclined to quash the order passed by the 2nd respondent 27.02.2007 and directs the 2nd respondent to consider and pass appropriate order in favour of the petitioner, if there is no legal impediment.

3. With the above observation, the writ petition stands allowed. Consequently, the connected miscellaneous petition are also closed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

rka

To

1. The District Collector,
Erode District.

2. The Tahsildar,
Perundurai Taluk Office,
Erode District.

+1cc to Mr.R.Shivakumar, Advocate SR.No.47066
+1cc to Government Pleader SR.No.46298

W.P.No.22440 of 2007

GN(20/08/2018)