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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 01.02.2018

CORAM
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) Nos.2059 to 2063 of 2018
and
W.M.P (MD) Nos.2299 to 2308 of 2018

N.Janaki Raman .. Petitioner in W.P (MD) No.2059 of 2018
Shanmuga Rajeshwaran .. Petitioner in W.P (MD) No.2060 of 2018
R.Muthulakshmi .. Petitioner in W.P (MD) No.2061 of 2018
R.Mehrunisha Begum .. Petitioner in W.P (MD) No.2062 of 2018
N.Saravanan .. Petitioner in W.P (MD) No.2063 of 2018
Vs.

1.The District Collector,
District Collectorate,
Ramnad, Ramnad District.

2.The District Revenue Officer,
Paramakudi Division,
Ramnad District.

3.The Revenue Divisional Officer,
Paramakudi Division,
Ramnad District.

4.The Thasildhar,
Paramakudi Taluk,
Ramnad District.

5.The Executive Engineer,
Public Works Department/
Water Resources Organization,
Lower Vaigai Basin Division,
Paramakudi Town,
Ramnad District.

6.The Assistant Engineer,
Public Works Department/
Water Resource Organization,
Lower Vaigai Basin Division,
Paramakudi Town,
Ramnad District.

..Respondents in all Petitions

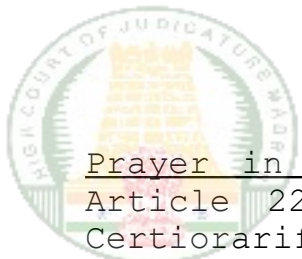


Prayer in W.P(MD)No.2059 of 2018 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned eviction notice dated 22.12.2017 on the file of Respondent No.6 and consequential impugned order in Na.Ka.L1-16627-2017 dated 19.01.2018 on the file of the Respondent No.4 and quash the same as illegal, consequently directing the Respondent Nos.1 to 4 herein to grant "Patta" for properties of the petitioner situated in Door No.4/340H6, Ward G, Block 11, T.S.No.40/5A to an extent of 1560 sq feet in Gandhiji road northen side, Paramakudi Town, Ramnad District within the time frame stipulated by this Court.

Prayer in W.P(MD)No.2060 of 2018 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned eviction notice dated 22.12.2017 on the file of Respondent No.6 and consequential impugned order in Na.Ka.L1-16627-2017 dated 19.01.2018 on the file of the Respondent No.4 and quash the same as illegal, consequently directing the Respondent No.1 to 4 herein to grant "Patta" for properties of the petitioner situated in Door No.4/344K, Ward G, Block 11, T.S.No.40/5A to an extent of 912 sq feet in Gandhiji road northen side, Paramakudi Town, Ramanathapuram District within the time frame stipulated by this Court.

Prayer in W.P(MD)No.2061 of 2018 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned eviction notice dated 22.12.2017 on the file of Respondent No.6 and consequential impugned order in Na.Ka.L1-16627-2017 dated 19.01.2018 on the file of the Respondent No.4 and quash the same as illegal, consequently directing the Respondent No.1 to 4 herein to grant "Patta" for properties of the petitioner situated in Door No.4/344K1, Ward G, Block 11, T.S.No.40/5A to an extent of 760 sq feet in Gandhiji road northen side, Paramakudi Town, Ramnad District within the time frame stipulated by this Court.

Prayer in W.P(MD)No.2062 of 2018 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned eviction notice dated 22.12.2017 on the file of Respondent No.6 and consequential impugned order in Na.Ka.L1-16627-2017 dated 19.01.2018 on the file of the Respondent No.4 and quash the same as illegal, consequently directing the Respondent No.1 to 4 herein to grant "Patta" for properties of the petitioner situated in Door No.4/344F1, F2, Ward G, Block 11, T.S.No.40/5A to an extent of 1464 sq feet in Gandhiji road northen side, Paramakudi Town, Ramnad District within the time frame stipulated by this Court.



Prayer in W.P(MD)No.2063 of 2018 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned eviction notice dated 22.12.2017 on the file of Respondent No.6 and consequential impugned order in Na.Ka.L1-16627-2017 dated 19.01.2018 on the file of the Respondent No.4 and quash the same as illegal, consequently directing the Respondent No.1 to 4 herein to grant "Patta" for properties of the petitioner situated in Door No.4/340H7 Ward G, Block 11, T.S.No.40/5A to an extent of 1558 sq feet in Gandhiji road northen side, Paramakudi Town, Ramnad District within the time frame stipulated by this Court.

In all petitions;

For Petitioners : Mr.T.Lajapathy Roy

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader

COMMON ORDER

[Order of the Court was delivered by N.KIRUBAKARAN,J]

The petitioners are the owners of the properties bearing Door Nos.4/340H6, 4/344K, 4/344K1 4/344F1,F2 and 4/340H7 in Ward G, Block 11 comprised in T.S.No.40/5A in Gandhiji Road, Northern Side, Paramakudi Town, Ramnad District, having purchased the same by virtue of the sale deed, dated 30.03.1998. Since there was a dispute with regard to the title of the property, civil proceedings have been initiated against the authorities and in the civil court, decree was passed in favour of the petitioners on 10.01.2004. When that being so, the impugned notice has been issued as if the petitioners are the encroachers. Therefore, challenging the same, the petitioners have come before this Court.

2.Heard the learned counsel appearing for the petitioners and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who took notice on behalf of the respondents.

3.Though Mr.T.Lajapathy Roy, learned counsel appearing for the petitioners would submit that the issue was already decided by the Civil Court, a perusal of the impugned order as well as decree of the Civil Court would show that survey numbers are different. However, Mr.T.Lajapathy Roy, would reiterate that both the numbers are one and the same and after sub-division numbers have been changed. If that is so, it is always open to the petitioners to give replies to the impugned notices by treating them as show cause notices, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the reply, the 6th respondent is directed to conduct enquiry by giving opportunity to the petitioners and pass final orders within a period of eight weeks thereafter. Till the final order is passed and it is served upon the



petitioners, the petitioners' possession should not be disturbed.

4. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(CO)

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Sub Assistant Registrar

To

1. The District Collector,
District Collectorate,
Ramnad, Ramnad District.
2. The District Revenue Officer,
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Ramnad District.
3. The Revenue Divisional Officer,
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4. The Thasildhar,
Paramakudi Taluk,
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5. The Executive Engineer,
Public Works Department/
Water Resources Organization,
Lower Vaigai Basin Division,
Paramakudi Town,
Ramnad District.
6. The Assistant Engineer,
Public Works Department/
Water Resource Organization,
Lower Vaigai Basin Division,
Paramakudi Town,
Ramnad District.

+1cc to M/s. Special Government Pleader, SR.No.45984

+1cc to Mr. Mr. T. Lajapathy Roy, Advocate, SR.No.45746, 45744, 45752,
45751, 45750

skn

KK/KKR/03.04.2018/SAR-1/4P-13C

W.P. (MD) Nos. 2059 to 2063 of 2018
and

W.M.P (MD) Nos. 2299 to 2308 of 2018