



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM**

W.P.[MD].Nos.3304 to 3307 of 2018 and
W.M.P(MD)Nos.3447 to 3454 of 2018

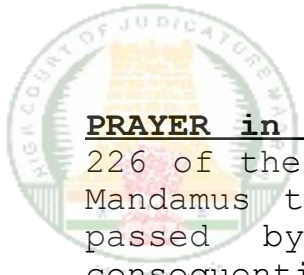
K.Illangovan	... Petitioner in W.P.No.3304/2018
Balakrishnan	... Petitioner in W.P.No.3305/2018
Kalavathy	... Petitioner in W.P.No.3306/2018
Lakshmi	... Petitioner in W.P.No.3307/2018

Vs.

1. The District Collector,
Karur District, Karur.
2. The District Revenue Officer,
Karur District.
3. The Revenue Divisional Officer,
Kuzhithalai, Karur District.
4. The Block Development Officer,
Krishnarayapuram Panchayat Union,
Krishnarayapuram, Karur District.
5. The Thasildar,
Krishnarayapuram,
Karur Taluk,
Karur District.
6. The Revenue Inspector,
Kuzhithalai,
Krishnarayapuram Taluk,
Karur District.

... Respondents in all cases

PRAYER in W.P.No.3304/2018.: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the sixth respondent, dated 28.11.2017 and the consequential order passed by the fourth respondent Yee.Na.Ka.A3/3085/2016, dated 22.12.2017 and quash the same and consequently, direct the fifth respondent to issue patta in favour of the petitioner's house in Door No.1/90, New No.1/152, having an extent of 27 sq.m. in Survey No.166/1, Mayanur Village, Krishnarayapuram Taluk, Karur District.



PRAYER in W.P.No.3305/2018.: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the sixth respondent, dated 28.11.2017 and the consequential order passed by the fourth respondent Yee.Na.Ka.A3/3085/2016, dated 22.12.2017 and quash the same and consequently, direct the fifth respondent to issue patta in favour of the petitioner's house in Door No.103, having an extent of 2.00 sq.m in Survey No.166/1, Mayanur Village, Krishnarayapuram Taluk, Karur District.

PRAYER in W.P.No.3306/2018.: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the sixth respondent, dated 28.11.2017 and the consequential order passed by the fourth respondent Yee.Na.Ka.A3/3085/2016, dated 22.12.2017 and quash the same and consequently, direct the fifth respondent to issue patta in favour of the petitioner's house in Door No.107, having an extent of 0.01.80 sq.m. in 0.96.0 in Survey No.166/4A, Mayanur Village, Krishnarayapuram Taluk, Karur District.

PRAYER in W.P.No.3307/2018.: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the sixth respondent, dated 28.11.2017 and the consequential order passed by the fourth respondent Yee.Na.Ka.A3/3085/2016, dated 22.12.2017 and quash the same and consequently, direct the fifth respondent to issue patta in favour of the petitioner's house in Door No.21, having an extent of 0.01.05 sq.m. in 0.96.0 in Survey No.166/4A, Mayanur Village, Krishnarayapuram Taluk, Karur District.

For Petitioners : Mr.I.Velpradeep
 For Respondents : Mr.D.Muruganandam
 Additional Government Pleader
 (in all cases)

COMMON ORDER

(Order of the Court was made by T.S.SIVAGNANAM,J.)

Heard Mr.I.Velpradeep, learned counsel appearing for the petitioners and Mr.D.Muruganandam, learned Additional Government Pleader appearing for the respondents.

2. The petitioners have filed these writ petitions challenging the proceedings issued by the sixth respondent, the Revenue Inspector, dated 28.11.2017 and the consequential order passed by the fourth respondent, the Block Development Officer, dated 22.12.2017 and consequently, direct the fifth respondent to issue



Patta in respect of the property which they are in occupation.

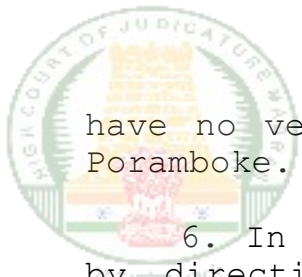
3. It is an undisputed fact that the petitioners herein and several others are encroachers of Government property. The petitioners claim that they have been residing there for several decades and put up tiled house, asbestos roof house and thatched house. The said encroachers approached the fourth respondent Panchayat Union during 1997, requesting that their encroachment be regularised. The Panchayat Union Council, by Resolution dated 22.12.1997 and in Resolution No.236/97-98 resolved as follows:

“சந்தை நீங்கலாக உள்ள நிலத்தை நத்தமாக மாற்ற தீர்மானிக்கப்பட்டது.”

4. It appears that the said resolution did not fructify and in the year 2003, the encroachers submitted a representation to the Honourable Chief Minister's Special Cell. The said representation was forwarded through proper channel and the Revenue Divisional Officer, Kuzhithurai, the third respondent, by memo dated 14.10.2003, informed one Mr.V.Raju, who appears to have been representing the case of the other encroachers that part of the land which has been classified as a 'Chanthai Pettai Poramboke' and the remaining area as Railway land and unless and until appropriate regularisation is done and no objection is obtained from the Railways and the land is handed over, the request for grant of Patta cannot be acceded to. Subsequently, it appears that the encroachers did not follow up the matter and the present action was triggered on account of a public interest litigation filed by one Selvakumar / writ petitioner in W.P. (MD).No.18263 of 2016, wherein, he sought for a direction upon the respondents to remove the encroachments in and around the weekly market in Mayanur, Krishnarayapuram Taluk, Karur District and the writ petition was disposed of, by order dated 31.08.2011, by issuing the following directions:

“3. This Court directs the fourth respondent herein to take appropriate action in accordance with law pursuant to the communication dated 19.01.2016 issued by the second respondent. The fourth respondent shall issue notice to the affected parties before causing removal of the encroachments. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order.”

5. In terms of the above direction, notice has to be issued to the affected parties before causing removal of the encroachments. The procedure has been properly adopted by the respondents and notice has been issued and objection has been filed and thereafter, an order has been passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. As against the said order, the petitioners herein have rightly preferred an appeal to the first respondent. The petitioners while admitting that they are encroachers, would submit that there has been a recommendation at various levels to grant some relief to the petitioners at least by reclassifying the part of the land as “Chanthai Pettai Arasu Poramboke”. In any event, till date reclassification has not taken place. Therefore, the petitioners



have no vested right in the land which is admittedly a Government Poramboke.

6. In the light of the above, we dispose of the writ petitions by directing the first respondent to consider the petitioners' representation dated 04.12.2017 as an appeal under Section 10 of the Land Acquisition Act and conduct a hearing, in which the authorised representative of the petitioners / encroachers can be heard and thereafter, document or records which may be placed for consideration shall be taken note of and a speaking order be passed on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. Till then, *status quo* which is prevailing as on today (19.02.2018) shall be maintained. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District, Karur.
2. The District Revenue Officer,
Karur District.
3. The Revenue Divisional Officer,
Kuzhithalai, Karur District.
4. The Block Development Officer,
Krishnarayapuram Panchayat Union,
Krishnarayapuram, Karur District.
5. The Thasildar,
Krishnarayapuram,
Karur Taluk,
Karur District.
6. The Revenue Inspector,
Kuzhithalai,
Krishnarayapuram Taluk,
Karur District.

+ 4 CC TO Mr.I.VEL PRADAP, ADVOCATE IN SR No. 49594
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 49795

AKV

TE/KKR/SAR-2 : 08/03/2018 : 5P/12C

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W.P.[MD].Nos.3304 to 3307 of 2018
19.02.2017