



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.03.2018
CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD).Nos.5726 to 5730 of 2018
and
W.M.P. (MD).Nos.5613 to 5617 of 2018

1.Rajeswari	... Petitioner in W.P.(MD).No.5726/2018
2.Meenakshi Sundaram	... Petitioner in W.P.(MD).No.5727/2018
3.Kannan	... Petitioner in W.P.(MD).No.5728/2018
4.T.Ganesan	... Petitioner in W.P.(MD).No.5729/2018
5.Muthazhagu	... Petitioner in W.P.(MD).No.5730/2018

Vs.

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Thiruppuvanam Union, Thiruppuvanam,
Sivagangai District. ... Respondents in all cases

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein, their men, subordinates or any one claiming under them from in any manner forcibly demolishing and evicting the petitioner and his/her family members from his/her residential house with cattle in 3 cents, 4 cents, 3 cents, 4 cents and 4 cents respectively, of land S.No.176/1 in Thiruppachethi North Group, Thiruppachethi Village, Thiruppuvanam Taluk, Sivagangai District without following the due process of law.

For Petitioners in	
all cases	: Mr.K.Appadurai
For R1 to R3 in	
all cases	: Mr.VR.Shanmuganathan Spl. Government Pleader
For R4 in all	: Mrs.S.Srimathi,
cases	Standing Counsel

**COMMON ORDER**

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr. K.Appadurai, learned counsel appearing for the petitioner and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mrs.S.Srimathi, learned Standing Counsel appearing for the fourth respondent.

2.The petitioners seek for a direction to forbear the respondents herein, their men, subordinates or any one claiming under them from in any manner forcibly demolishing and evicting the petitioners from their residential house with cattle, in 3 cents, 4 cents, 3 cents, 4 cents and 4 cents respectively, of land in S.No.176/1 in Thiruppachethi North Group, Thiruppachethi Village, Thiruppuvanam Taluk, Sivagangai District, without following the due process of law.

3.All the petitioners claim to be in possession of the lands over which, there is no document of title in favour of them, except that the house constructed by them having assessed to property tax. However, this will not confer any right on the petitioners over the lands in question.

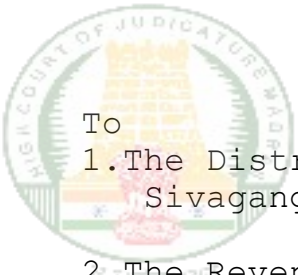
4.The learned Special Government Pleader appearing for the respondents 1 to 3, on instructions from the District Collector, has produced a copy of the proceedings, dated 04.12.2017 before this Court and it is submitted that the land in question has been allotted for the purpose of construction of Government Primary Health Centre and it is a Government Poramboke land and on a detailed survey of the entire area, it is found that the area is covered by temporary shed and there is only one house, which is a old tiled house, for which adequate provision will be made. The petitioners have approached this Court apprehending that the respondents may initiate action without affording any opportunity to them. The petitioners need not have any apprehension, since the respondents 1 to 3 have stated that proper steps would be taken before clearing any encroachment.

5.Accordingly, these writ petitions are disposed of by directing the competent authority to initiate action for an eviction or clearing the encroachment, after issuing notice to the person, who are in occupation of the property in question. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Cr1.Side)

/True copy/



To

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

4.The Block Development Officer,
Thiruppuvanam Union, Thiruppuvanam,
Sivagangai District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.56834

+1CC TO M/S.K.APPADURAI, ADVOCATE, SR NO.56397

W.P. (MD) .Nos.5726 to 5730 of 2018

and

W.M.P. (MD) .Nos.5613 to 5617 of 2018

19.03.2018

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MS/SV-MMS/SAR-1/05.04.2018/3P.7C