



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].Nos.14877 and 15068 of 2018

and

W.M.P. (MD)Nos.13416 and 13417 of 2018

W.P.[MD].No.14877 of 2018:

P.Ramachandran

: Petitioner

Vs.

1.The Sub-Collector,
Paramakudi,
Ramanathapuram District.

2.The Special Tahsildar,
Adhi Dravidar Welfare Department,
Mudhukulathur Taluk,
Ramanathapuram District.

3.Aathimuthu

[R-3 impleaded as per the order of this
Court dated 31.10.2018, made in
W.M.P. (MD)No.14526 of 2018]

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent made in Na.Ka.No.A2/4718/2016, dated 11.06.2018 and quash the same as illegal, arbitrary and in violation of the order in W.P.(MD)No.7603 of 2017, dated 28.04.2017 and the undertaking given by the respondents in Contempt Petition (MD)No.1107 of 2017, in W.P.(MD)No.7603 of 2017, dated 11.09.2017.

For Petitioner

: Mr.N.Dilip Kumar,

For M/s.S.Bharathi

For Respondents 1&2

: Mr.A.K.Baskarapandian,
Special Government Pleader

For Respondent No.3

: Mr.T.Indrachithu

W.P.[MD].No.15068 of 2018:

Aathimuthu

: Petitioner

Vs.

1.The Principal Secretary,
<https://hcservices.ecourts.gov.in/hcservices/>
Adhi Dravidar Welfare Department,
Secretariat, Chennai-9.



2.The Director,
Adhi Dravidar Welfare Department,
Cheppakkam,
Chennai.

3.The District Revenue Officer -cum- Sub Collector,
Paramakudi,
Ramanathapuram District.

4.The Special Tahsildar,
Adhi Dravidar Welfare Department,
Mudhukulathur,
Ramanathapuram District.

5.The Inspector of Police,
Perunazhi Police Station,
Perunazhi,
Ramanathapuram.

6. Ramchandran
[R-6 impleaded as per the order of this
Court dated 31.10.2018, made in
W.M.P. (MD) No.18158 of 2018]

: Respondents

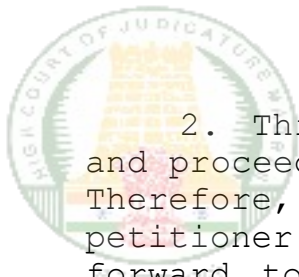
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fourth respondent to implement the order passed by the third respondent in proceedings No.Na.Ka.A2/4718/2016, dated 11.06.2018 within stipulated time as framed by this Court and ensure the Devendrakula Velalar people of Shanmugapuram Village and other people to walk through the 63 cents pathway in Survey No.243/1B, under the control of Adhi Dravidar Welfare Department, to visit their Karuppasamy Temple at Perunazhi Village, Kamuthi Taluk, Ramanathapuram District.

For Petitioner : Mr.T.Indrachithu
For Respondents 1to5 : Mr.A.K.Baskarapandian,
Special Government Pleader
For Respondent No.6 : Mr.N.Dilip Kumar

C O M M O N O R D E R

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

This is yet another round of litigation initiated at the instance of the petitioner in W.P.(MD)No.14877 of 2018, who is not willing to let go the land, notwithstanding the series of orders passed against him including the recent one upholding the proceedings initiated under Section 145 of the Code of Criminal Procedure.



2. This dispute has seen civil litigations, writ proceedings and proceedings under Section 145 of the Code of Criminal Procedure. Therefore, all the three branches of law have been covered by the petitioner in W.P.(MD)No.14877 of 2018 and once again, he has come forward to file the present Writ Petition in W.P.(MD)No.14877 of 2018.

3. Though we are not inclined to pass any order, the learned counsel for the petitioner in W.P.(MD)No.14877 of 2018 made a fervent plea that a perusal of the impugned order would show that the petitioner was not put on prior notice.

4. The learned counsel for the petitioner in the Public Interest Litigation [W.P.(MD)No.15068 of 2018] has submitted that the petitioner in W.P.(MD)No.14877 of 2018 actually prevented to undertake the exercise. The same view is also expressed by the learned Special Government Pleader, who has submitted, that is the reason why, police protection has been sought for.

5. On a query, the learned counsel for the petitioner in W.P.(MD)No.14877 of 2018 has submitted that the fence put up would be removed forthwith.

6. Considering the above, in order to resolve the dispute, we direct the Special Tahsildar, Adhi Dravidar Welfare Department, Mudhukulathur Taluk, Ramanathapuram District, to undertake the aforesaid exercise once again, after putting notice to the petitioner in W.P.(MD)No.14877 of 2018 and other interested persons, if any. The petitioner in W.P.(MD)No.14877 of 2018 is given a week's time to remove the fencing. While carrying out, the Tahsildar concerned can also once again have the assistance of the police, in the event of anticipating any further problem. We hope and trust that the litigation would end at least now. It is needless to state that the general public can use the pathway and reach the temple. The Tahsildar concerned can seek assistance from the Superintendent of Police, Ramanathapuram District, for implementing the aforesaid order. We may note that the villagers have been fighting hard for the pathway for more than a decade.

7. The Writ Petitions stand disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar(CS-I)



To

1.The Principal Secretary,
Adhi Dravidar Welfare Department,
Secretariat,
Chennai-9.

2.The Director,
Adhi Dravidar Welfare Department,
Cheppakkam,
Chennai.

3.The District Revenue Officer -cum- Sub Collector,
Paramakudi,
Ramanathapuram District.

4.The Special Tahsildar,
Adhi Dravidar Welfare Department,
Mudhukulathur,
Ramanathapuram District.

5.The Inspector of Police,
Perunazhi Police Station,
Perunazhi,
Ramanathapuram.

6.The Sub-Collector,
Paramakudi,
Ramanathapuram District.

7.The Superintendent of Police,
Ramanathapuram District.

- 1 CC TO Mr.S.BHARATHI , ADVOCATE IN SR No.93965.
- + 1 CC TO Mr.T.INDRACHITHU , ADVOCATE IN SR No.93586.
- +1 cc to Special Government Pleader, SR.No.93838.

SML

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Common Order made in
W.P.[MD].Nos.14877 and 15068 of 2018