



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.07.2018**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND**

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.15032 of 2018

and

W.M.P (MD) Nos.13575 & 13576 of 2018

E.Kottai Raja

... Petitioner

Vs.

1. The State rep. by
The District Collector,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.
4. The Executive Officer,
Thondi Panchayat Board Office,
Thondi,
Ramanathapuram District.
5. The Trustee,
Sri Selvamuthu Mariamman Deity and Temple,
Thiruppalaikudi,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus, to call for the records relating to the impugned notice of the third respondent dated 04.07.2018 and quash the same and consequently forbear the respondents from implementing the said notice.

For Petitioner
For RR 1 to 4

: Mr.V.Singan
: Mr.A.K.Baskarapandian
Special Government Pleader

**ORDER**

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

The petitioner has filed the above writ petition seeking a writ of Certiorarified Mandamus, to call for the records relating to the impugned notice of the third respondent dated 04.07.2018 and to quash the same and consequently forbear the respondents from implementing the said notice.

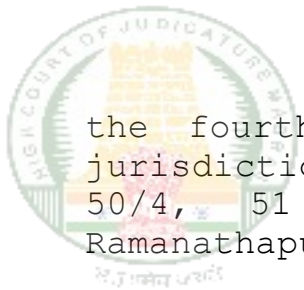
2.The learned counsel for the petitioner submitted that the petitioner is in possession and occupation of the property in Survey No.49/2 for more than 40 years and therefore, he should be allowed to continue in possession of the said property.

3. The learned counsel also submitted that the benefits granted to the occupants of the Government lands under G.O(Ms.) No.854, Revenue Department, dated 30.12.2006, should be given to the petitioner also.

4. It is brought to the notice of this Court that one K.Rajendran has filed a Public Interest Litigation in W.P(MD)No.23226 of 2017 and this Court, by order dated 08.01.2018, disposed of the said writ petition, observing as follows:

"9. Though the petitioner prays for a larger relief, this court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in his representations, directs the third respondent to act on the communication of the fourth respondent dated 11.12.2017 in Na.Ka.No.105/2017 and with the help of the jurisdictional Surveyor to cause inspection of Survey Nos.49, 50, 50/4, 51 at Muni Iyaa Kovil Street, Pudukudi, Thondi, Ramanathapuram District, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the fourth respondent and depending upon the result of the said Report, the fourth respondent after putting the encroachers including the private respondents 5 to 23 on notice, shall take further action on merits and in accordance with law, within a further period of twelve weeks thereafter and communicate the decision taken, to the petitioner, private respondents 5 to 23 as well as other encroachers."

<https://hcservices.courts.gov.in/hcservices/>
5. On a reading of the said order, it is clear that this Court had directed the third respondent to act on the communication of



the fourth respondent dated 11.12.2017 with the help of the jurisdictional Surveyor to cause inspection of Survey Nos.49, 50, 50/4, 51 at Muni Iyaa Kovil Street, Pudukudi, Thondi, Ramanathapuram District.

6. Admittedly, the petitioner is residing in the property in Survey No.49/2. That being the case, the order passed by this Court in the above said writ petition covers the petitioner also, though he was not made as a party in earlier writ petition.

7. Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the benefits granted under G.O(Ms.)No.854, Revenue Department, dated 30.12.2006, are not applicable to the petitioner.

8. After making elaborate submissions, the learned counsel for the petitioner submitted that the petitioner has given a representation dated 24.02.2018 to the third respondent and it would be suffice to direct the third respondent to consider and pass orders in accordance with law, for which, the learned Special Government Pleader has no objection.

9. In view of the submissions made by the learned counsel on either side, we direct the third respondent to consider the representation of the petitioner, dated 24.02.2018 and pass orders in accordance with law after giving due opportunity of personal hearing to the petitioner as well as to all the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

10. With the above observations, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
Ramanathapuram.

2. The Revenue Divisional Officer,
Ramanathapuram,

<https://hcservices.ramanathapuram.gov.in> District.



3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.

4. The Executive Officer,
Thondi Panchayat Board Office,
Thondi,
Ramanathapuram District.

+1cc to SPECIAL GOVERNMENT PLEADER, Advocate SR.No.75020
Ps
MK/SKN/SAR 3/07.08.2018/4P/6C

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and
W.M.P(MD)Nos.13575 & 13576 of 2018
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