



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.P (MD) No.15450 of 2018
and
W.M.P (MD) No.13919 of 2018

S.Karuppaiah

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.
3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.
4. The Executive Officer,
Thondi Panchayat Board Office,
Thondi,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 07.03.2018 passed by the third respondent and quash the same as illegal and consequently to forbear the respondents from demolishing the petitioner's residential house in Survey No.49/7, Door No.47B, Vadaku Kadarkarai, Thondi Pudukudi, Thiruvadanai Taluk, Ramanathapuram District.

For Petitioner

: Mr.S.Kameswaran

For RR 1 to 3

: Mr.A.K.Baskarapandian

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader

For R - 4

: Mr.R.Saravanan

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

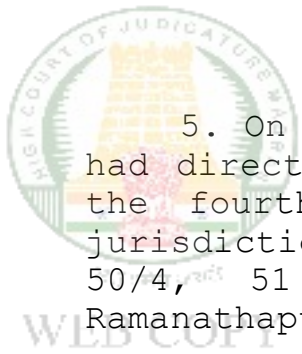
The petitioner has filed the above writ petition seeking a writ of Certiorari Mandamus, to call for the records relating to the impugned order dated 07.03.2018 passed by the third respondent and quash the same as illegal and consequently to forbear the respondents from demolishing the petitioner's residential house in Survey No.49/7, Door No.47B, Vadaku Kadarkarai, Thondi Pudukudi, Thiruvadanai Taluk, Ramanathapuram District.

2. The learned counsel for the petitioner submitted that the petitioner is in possession and occupation of the property in Survey No.49/7 in Door No.47B for more than 80 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."



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.49/7. 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 3 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 09.07.2018 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 09.07.2018 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 petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Ramanathapuram District,

<https://hcservice.sarnam.gov.in/services>



2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

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

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

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 74338

PS

TE/RP/SAR-1 : 06/08/2018 : 4P/6C

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W.M.P (MD) No.13919 of 2018
20.07.2018

(18/20)