



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

AND

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P (MD) Nos. 21277 to 21294 of 2018

and

W.M.P (MD) Nos. 19143 to 19160 of 2018

A. Anandan	: Petitioner in WP (MD) No. 21277/2018
Karuththakkannu	: Petitioner in WP (MD) No. 21278/2018
S. Eswari	: Petitioner in WP (MD) No. 21279/2018
Ponnammal	: Petitioner in WP (MD) No. 21280/2018
M. Eswari	: Petitioner in WP (MD) No. 21281/2018
Nallammal	: Petitioner in WP (MD) No. 21282/2018
Meenakshi	: Petitioner in WP (MD) No. 21283/2018
M. Subbiah	: Petitioner in WP (MD) No. 21284/2018
Manimaran	: Petitioner in WP (MD) No. 21285/2018
P. Rasu	: Petitioner in WP (MD) No. 21286/2018
Mahadevan	: Petitioner in WP (MD) No. 21287/2018
Chellammal	: Petitioner in WP (MD) No. 21288/2018
S. Anandan	: Petitioner in WP (MD) No. 21289/2018
Duraisamy	: Petitioner in WP (MD) No. 21290/2018
Samikannu	: Petitioner in WP (MD) No. 21291/2018
S. Arumugam	: Petitioner in WP (MD) No. 21292/2018
Alagar	: Petitioner in WP (MD) No. 21293/2018
Malathi	: Petitioner in WP (MD) No. 21294/2018

Vs.

1. The District Collector,
Pudukottai District,
Pudukottai.
2. The Revenue Divisional Officer,
Iluppur Taluk,
Iluppur,
Pudukottai District.
3. The Tahsilar,
Viralimalai Taluk,
Viralimalai,
Pudukottai District.
4. The Block Development Officer,
Kodumpalur,
Viralimalai Taluk,
Pudukottai District.



5. Selvaraj

... Respondents in all cases

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 3 from demolishing the petitioner's house comprised in Survey No.40, Kodumpalurchathiram, Kodumpalur Post, Viralimalai Taluk, Pudukottai District not otherwise than due process of law besides directing the respondents 1 to 3 to take necessary action by providing the petitioner an opportunity of personal hearing in the light of the orders dated 27.11.2017 and 05.03.2018 passed in W.P.No.21787 of 2017 and W.P.No.4560 of 2018 within a time frame as fixed by this Court.

For Petitioner : Mrs.Chamundi Bose (in all cases)
For R-1 to R-4 : Mr.V.R.Shanmuganathan,
Special Government Pleader
(in all cases)

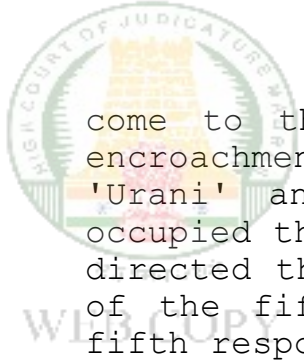
COMMON ORDER

[Order of the Court was made by T.RAJA, J.]

All the Writ Petitions have been filed by the petitioners to issue a Writ of Mandamus forbearing the respondents 1 to 3 from demolishing the petitioners' house comprised in Survey No.40, Kodumpalurchathiram, Kodumpalur Post, Viralimalai Taluk, Pudukottai District, not otherwise than due process of law and consequently, direct the respondents 1 to 3 to take necessary action by providing the petitioners an opportunity of personal hearing in the light of the orders dated 27.11.2017 and 05.03.2018 passed in W.P(MD)No.21787 of 2017 and W.P(MD)No.4560 of 2018, within a stipulated time.

2. The learned counsel appearing for the petitioners submitted that the petitioners are the residents of Kodumpalurchathiram, Kodumpalur Post, Viralimalai Taluk, Pudukottai District and they have constructed a house in Survey No.40 of the above said place about 30 to 50 years ago. Since then, they are residing in the said place. The respondents 1 to 4 have also issued Ration Card, Aadhar Card and also assessed the relevant taxes due to the Government considering the long possession and enjoyment of the present property by the petitioners.

3. The learned counsel appearing for the petitioners further submitted that the petitioners have made a request to the respondents 1 to 3 seeking issuance of patta. Pursuant to the same, the Tahsildar, Viralimalai Taluk, the third respondent herein has informed the petitioners that originally the land in question in Survey No.40 was classified as 'Kudineer Sathurakinaru' and now, it has been re-classified as 'Arasu Porampoke Sathurakinaru' under UDR and the said land in question is not found place in the list of water bodies in the Revenue Department and therefore, it was allowed for the habitation of the people. Hence, there is no impediment for the authorities to issue patta. While so, the fifth respondent has



come to this Court with W.P(MD)No.21787 of 2017 for removal of encroachment in Survey No.40 on the premise that the said land is a 'Urani' and some of the persons have illegally encroached and occupied the said place. This Court also by order dated 27.11.2017 directed the official respondents to dispose of the representation of the fifth respondent by giving opportunity of hearing to the fifth respondent and all others, who are under the occupation of the property.

4. The learned counsel for the petitioners has also submitted that yet another order, dated 05.03.2018 was passed by this Court in the writ petitions filed by the petitioners herein in W.P(MD)No.4560 of 2018, wherein the Tahsildar, Viralimalai Taluk, was directed to provide personal hearing to the petitioners herein if they so desire before implementing the direction given by this Court in W.P(MD) No.21787 of 2017 dated 27.11.2017.

5. Therefore, the learned counsel for the petitioners contended that when this Court has directed the official respondents to identify the name of the encroachers and also the extent of the encroachment made by them, till date, the said exercise had not been done by the official respondents. Hence, the petitioners come forward to file these writ petitions with the aforesaid prayer.

6. At this stage, the learned Special Government Pleader appearing for the respondents 1 to 4 submitted that as directed by this Court in W.P(MD)Nos.21787 of 2017 and 4560 of 2018 as per orders dated 27.11.2017 and 05.03.2018, they will identify the encroachers and the extent of the encroachment made as per the revenue records and proceed further in this matter.

7. We have heard the submissions made on either side and perused the materials placed before us.

8. In view of the said submissions made by the learned Special Government Pleader, the respondents 1 to 4, are hereby directed to proceed against the encroachers in respect of Survey No.40, Kodumpalurchathiram, Kodumpalur Post, Viralimalai Taluk, Pudukottai District, only after giving them personal hearing as directed by this Court, on the basis of the representation dated 01.02.2018 made by the petitioners.

9. With the above direction, the writ petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/



To

1. The District Collector,
Pudukottai District,
Pudukottai.
2. The Revenue Divisional Officer,
Iluppur Taluk, Iluppur,
Pudukottai District.
3. The Tahsilar,
Viralimalai Taluk,
Viralimalai,
Pudukottai District.
4. The Block Development Officer,
Kodumpalur,
Viralimalai Taluk,
Pudukottai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90282

PM

TE/PM/SAR-4 : 01/11/2018 : 4P/6C

W.P (MD) Nos.21277 to 21294 of 2018
10.10.2018