

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.4484, 4486, 4495 & 4500 of 2019
and

W.M.P.Nos.5061, 5065, 5066, 5076 & 5079 of 2019

W.P.No.4484/2019

1. Arunachalam
2. Thangamuthu
3. Dhanabairavi
4. A.Gopalakrishnan ...Petitioner

Vs.

1. The District Collector,
Erode District ,
Erode.
2. The Tahsildar,
Modakurichi Taluk,
Modakurichi,
Erode District.
3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division,
Selvapuram,
Perur (North)
Opposite Sivalaya Mahal,
Coimbatore - 641 002. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondents to assign the patta in respect of the land situated in R.S.No.105/7, M.S.Mangalam Village, Modakurichi Taluk, Poondurai Sub Taluk, Erode District to the extent of 0.35.5 cent in favour of the petitioners on payment by taking note of proposal sent by the 2nd respondent in his proceedings Na.Ka.8534/2011/A5 dated 13.06.2011.

W.P.No.4486/2019

P.Ramasamy

...Petitioner

Vs.

1. The District Collector,
Erode District ,
Erode.

2. The Tahsildar,
Modakurichi Taluk,
Modakurichi,
Erode District.

3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Shopping Complex,
3rd Floor,
Surampatti Nall Road,
Erode.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondents to assign the patta in respect of the land situated in R.S.No.105/7, M.S.Mangalam Village, Modakurichi Taluk, Poondurai Sub Taluk, Erode District to the extent of 0.72.865 cent in favour of the petitioner on payment by taking note of proposal sent by the 2nd respondent in his proceedings Na.Ka.8536/2011/A5 dated 13.06.2011.

W.P.No.4495/2019

M.S.Rajan

...Petitioner

Vs.

1. The District Collector,
Erode District ,
Erode.

2. The Tahsildar,
Modakurichi Taluk,
Modakurichi,
Erode District.

3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division,
Selvapuram,
Perur (North)
Opposite Sivalaya Mahal,
Coimbatore - 641 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondents to assign the patta in respect of the land situated in R.S.No.105/7, M.S.Mangalam Village, Modakurichi Taluk, Poondurai Sub Taluk, Erode District to the extent of 0.32.0 cent in favour of the petitioner on payment by taking note of proposal sent by the 2nd respondent in his proceedings Na.Ka.8537/2011/A5 dated 13.06.2011.

W.P.No.4500/2019

C.Jaganathan

...Petitioner

Vs.

1. The District Collector,
Erode District,
Erode.
2. The Tahsildar,
Modakurichi Taluk,
Modakurichi,
Erode District.
3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division,
Selvapuram,
Perur (North)
Opposite Sivalaya Mahal,
Coimbatore - 641 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondents to assign the patta in respect of the land situated in R.S.No.105/7, M.S.Mangalam Village, Modakurichi Taluk, Poondurai Sub Taluk, Erode District to the extent of 0.23.5 cent in favour of the petitioner on payment by taking note of proposal sent by the 2nd respondent in his proceedings Na.Ka.8535/2011/A5 dated 13.06.2011.

For Petitioner
in all the W.Ps. : Mr.C.Prakasam

For Respondents
in all the W.Ps. : Mr.R.Govindasamy,
Special Government Pleader
for R1 & R2.
Mr.B.S.Sundaramoorthi,
Standing Counsel for R3

O R D E R

In all these writ petitions, the respective petitioners seeks for a direction to the first respondent to grant assignment patta in respect of the land referred to in each petition by claiming that they are in possession and enjoyment of the said land for long number of years.

2. The grievance of the petitioners is that even though the proceedings are going on for long number of years in respect of assignment of patta, till this date, they have not granted such patta.

3. On the other hand, the learned counsel Mr.B.S.Sundaramoorthi, appearing for the 3rd respondent contended that the petitioners are not entitled to get such patta, as they are encroachers of the land belonging to the 3rd respondent Board.

4. This Court, at this stage is not expressing any view on the merits of the claim made by the petitioner as well as the 3rd respondent, as it is for the 1st respondent to consider and decide. Therefore, without expressing any view on the merits of the matter, all these Writ Petitions are disposed of only by directing the first respondent to consider the claim of each petitioner and pass orders on their request for assignment of patta in respect of the subject matter land on merits and in accordance with law, after giving due opportunity of hearing to the petitioners as well as the concerned officials of the 3rd respondent, Slum Clearance Board. Both the parties are at liberty to place their respective contentions and materials before the first respondent so as to enable him to take appropriate decision on the issue between the parties. The first respondent shall pass such order within a period of three months from the date of receipt of a copy of this order. Till an order is passed by the first respondent, the parties are directed to maintain status quo as on today. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsi/gsi

To

1. The District Collector,
Erode District ,
Erode.
2. The Tahsildar,
Modakurichi Taluk,
Modakurichi,
Erode District.
3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division, Selvapuram,
Perur (North) Opposite Sivalaya Mahal,
Coimbatore - 641 002.
4. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Shopping Complex,
3rd Floor,
Surampatti Nall Road,
Erode.

+4 ccs to Mr.B.S.Sundaramoorthi, Advocate, S.R.No.14048 to 14051

+3 ccs to Mr.C.Prakasam, Advocate, S.R.No.14684 to 14686

+1 cc to the Government Pleader, S.R.No.14629

W.P.Nos.4484, 4486, 4495 & 4500 of 2019

KK(CO)
SSM(18/02/2019)

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