

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

W.P.No.32079 of 2019
and WMP. Nos.32338 & 32339 of 2019

1.G.Panjamurthi
2.R.Kanniyammal
3.K.Thirumurugan
4.V.Venugopal
5.G.Murugan
6.K.Rajendiran
7.V.Valli
8.R.Machagandhi
9.D.Chandran
10.A.Ramasamy
11.T.Rajavalli
12.K.Shanmugam
13.N.Kumar

... Petitioners

Vs

1. The District Collector
Cuddalore District
Cuddalore.
2. The Special Tahsildar
Adi Dravidar Welfare Department
Chidambaram Taluk
Cuddalore District.

सत्यमेव जयते ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from evicting the petitioners from their lands in Survey No.39/2B, Kothattai Village, Bhuvanagiri Taluk, Cuddalore District, without following the process of law and pass such further orders to meet the ends of justice.

For Petitioners : Mr.M.Gnanasekar
For Respondents : Mr.E.Manokaran
Additional Government Pleader

ORDER

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

The petitioners claims to be the residents/occupants of the lands in Surve No.39/2B in Kothattai Village, Bhuvanagiri Taluk, Cuddalore District and they are in occupation of the said lands for the time immemorial and also put up superstructures, and those superstructures are subject to statutory levies.

2. Mr.M.Gnanasekar, learned counsel appearing for the petitioners would submit that the petitioners have been conferred with all benevolence and benefits, and they have also been issued with Aadhar Cards and also provided with financial assistance under Kalaigiar House Construction Scheme, to put up the superstructures. Be that as it may, all of a sudden, they are sought to be dispossessed from the lands in questions, for the alleged reason that the lands in question have been acquired by the Government for provision of house-sites to Adi-Dravida people. It is also the submission of the learned counsel appearing for the petitioners that the petitioners have been issued with notices under Section 5 of the Tamil Nadu Land Encroachment Act, 1905, for which, they have submitted their detailed responses and their apprehension is that, without following any due process in law, they would be vacated summarily and therefore, the petitioners are constrained to file this writ petition.

3. Mr.E.Manoharan, learned Additional Government Pleader accepts notice on behalf of the respondents and would submit that the lands in questions are put to acquisition, in order to provide house-sites to the people of Adi-Dravidar Community and the petitioners who are in unauthorised occupation are evicted, by following the due process of law, only after issuing notices under Section 5 of the of the Tamil Nadu Land Encroachment Act, 1905, and the said notices would be followed by notices under Section 7 & 6 of the said Act, and he would further add that the apprehension expressed by the petitioners is wholly unfounded and prays for dismissal of this writ petition.

4. This Court has carefully considered the rival submissions and perused the materials placed before it.

5. Though the petitioners pray for larger relief, this Court, in the light of the above facts and circumstances and taking into consideration the submissions made by the learned counsel and also without going into the merits of the claim projected by the petitioners either in their representations or in this writ petition, directs the respondents to follow due

process of law for the purpose of evicting the petitioners from the lands in questions, and the respondents shall also adhere to the principles of natural justice, and complete the said exercise, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and also communicate the decision taken, to the petitioners. Till such time, the respondents shall not dispossess the petitioners from the lands and superstructures, they claim to be in possession. It is also made clear that the petitioners shall not create any third party right in respect of the said lands and superstructures in question, till such disposal.

6. With the above directions, this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

ds
To:

- 1.The District Collector
Cuddalore District
Cuddalore.
- 2.The Special Tahsildar
Adi Dravidar Welfare Department
Chidambaram Taluk
Cuddalore District.

+1 CC to Govt. Pleader sr 15101.
+1 CC to Mr.M.Gnanasekar, Advocate sr 94154.

W.P.No.32079 of 2019

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SP(03/12/2019)