



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

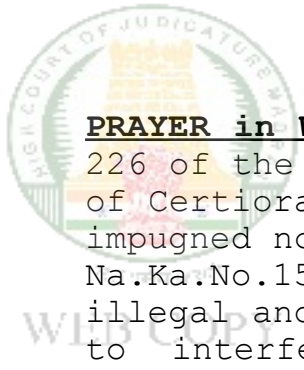
**W.P(MD)NOS.4428 to 4432 OF 2019
and
W.M.P(MD)Nos.3534 to 3543 of 2019**

1.Jenita :Petitioner in W.P(MD)No.4428 of 2019
2.Muniyammal :Petitioner in W.P(MD)No.4429 of 2019
3.Seeli :Petitioner in W.P(MD)No.4430 of 2019
4.John Kennady :Petitioner in W.P(MD)No.4431 of 2019
5.Kala :Petitioner in W.P(MD)No.4432 of 2019

.vs.

1.The District Collector,
Dindigul District, Dindigul.
2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
3.The Special Tahsildar,
Adi Dravidar Welfare Unit-I,
Dindigul,
Dindigul District. : Respondents in all W.Ps'

PRAYER in W.P(MD)No.4428 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice passed by the third respondent in his proceedings in Na.Ka.No.157/2018/Aa, dated 15.2.2019 and to quash the same as illegal and arbitrary and consequently to direct the respondents not to interfere with the Petitioner's peaceful possession and enjoyment of the Free House Site Patta with regard to Plot No.125, Survey No.489/2, 490/1, 490/2A, 490/3A,491/2 and 493 situated at Bellapatti Village, A.B.Nagar, Dindigul West Taluk, Dindigul District.



PRAYER in W.P(MD)No.4429 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice passed by the third respondent in his proceedings in Na.Ka.No.157/2018/Aa, dated 15.2.2019 and to quash the same as illegal and arbitrary and consequently to direct the respondents not to interfere with the Petitioner's peaceful possession and enjoyment of the Free House Site Patta with regard to Plot No.123, Survey No.489/2, situated at Pallapatti Village, A.B.Nagar, Dindigul West Taluk, Dindigul District.

PRAYER in W.P(MD)No.4430 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice passed by the third respondent in his proceedings in Na.Ka.No.157/2018/Aa, dated 15.2.2019 and to quash the same as illegal and arbitrary and consequently to direct the respondents not to interfere with the Petitioner's peaceful possession and enjoyment of the Free House Site Patta with regard to Plot No.117, Survey No.489/2, 490/1, 490/2A, 490/3A, 491/2 and 493 situated at Pallapatti Village, A.B.Nagar, Dindigul West Taluk, Dindigul District.

PRAYER in W.P(MD)No.4431 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice passed by the third respondent in his proceedings in Na.Ka.No.157/2018/Aa, dated 15.2.2019 and to quash the same as illegal and arbitrary and consequently to direct the respondents not to interfere with the Petitioner's peaceful possession and enjoyment of the Free House Site Patta with regard to Plot No.121, Survey No.489/2, 490/1, 490/2A, 490/3A, 491/2 and 493 situated at Pallapatti Village, A.B.Nagar, Dindigul West Taluk, Dindigul District.

PRAYER in W.P(MD)No.4432 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice passed by the third respondent in his proceedings in Na.Ka.No.157/2018/Aa, dated 15.2.2019 and to quash the same as illegal and arbitrary and consequently to direct the respondents not to interfere with the Petitioner's peaceful possession and enjoyment of the Free House Site Patta with regard to Plot No.126, Survey No.489/2, 490/1, 490/2A, 490/3A, 491/2 and 493 situated at Pallapatti Village, A.B.Nagar, Dindigul West Taluk, Dindigul District.

For Petitioner
in all W.Ps'

:Mr.G.Gomathi Sankar

For Respondents
in all W.Ps'

:Mr.Aayiram K.Selvakumar
Addl. Govt.Pleader



COMMON ORDER

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

Heard Mr.G.Gomathi Sankar, learned counsel appearing for the Petitioners, and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents in all these writ Petitions and perused the materials available on record.

2.These Writ Petitions have been filed challenging the notices issued by the third respondent in and thereby the Petitioners were directed to appear for an enquiry and to produce proof for their residence like Aadhaar Card, Family Card, Community Certificate, Voter's Identity Card, Original Patta and proof for marriage.

3.Mr.G.Gomathi Sankar, learned counsel for the Petitioners would state that the Petitioners were issued with free patta by the Government. As Such, they are residing in that place for more than thirty years. It is the contention of the learned counsel for the Petitioners that when a specific boundary has been mentioned in their patta, now notices cannot be issued to the Petitioners, alleging that they have encroached upon a public place or public road.

4.Per contra, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents would state that based on the letter from the National Backward Commission, these notices have been issued to enquire about the genuineness of the patta and their actual possession of the property.

5.In the case on hand, impugned notices have been issued only for verification of the genuineness of their patta and their possession of the property. Hence, we do not find any reason to interfere with the orders impugned herein. The Petitioners shall appear before the third respondent with relevant documents on 11.03.2019.The respondents shall thereafter take appropriate action as per law.

6.With the above observations, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Special Tahsildar,
Adi Dravidar Welfare Unit-I,
Dindigul,
Dindigul District.

+5 CC to M/s.G.GOMATHI SANKAR, Advocate
(SR.Nos.-49845,49844,49846,49847,49848 dated 26/02/2019)

+1 CC to M/s.SPL GP (SR-50672[F] dated 28/02/2019)

COMMON ORDER MADE IN
W.P (MD) Nos.4428 to
4432 OF 2019

and
W.M.P (MD) Nos.3534 to
3543 of 2019
26.02.2019

VSN
ES/07.03.2019/4P/10C