



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

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

W.P(MD)NO.7005 OF 2019

and

W.M.P(MD)Nos.5585 and 5586 of 2019

- 1.Palani Murugan
- 2.Mani kandan
- 3.Muthiah Thevar
- 4.Radha
- 5.A.Rakkiah
- 6.Karuppiah
- 7.Kalimuthu
- 8.Marimuthu
- 9.Muthulakshmi
- 10.Raju
- 11.Vanarajan
- 12.Ayyanar
- 13.Vijaya
- 14.Bharathi
- 15.Guru Samy
- 16.Mariammal
- 17.Subbulakshmi



19.Raja

20.Santhanam

21.Chellapandi

22.S.Thalaimalai

23.Thangam

24.Muthukumar

:Petitioners

.vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

4.The Village Administrative Officer,
Samanthapuram Village,
Virudhunagar District.

: Respondents

PRAYER: 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 of the third respondent in his proceedings in Na.Ka.No.A4/10759/2018, dated 23.10.2018 and to quash the same as illegal, arbitrary and in violation of law and further to direct the respondents to take necessary steps to issue patta to the Petitioners within the time stipulated by this Court.

For Petitioner

:Mr.M.JyothiBasu

For Respondents

:Mr.VR.Shanmuganathan
Special Govt.Pleader

O R D E R

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

The prayer in the Writ Petition is to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in his proceedings in Na.Ka.No.A4/10759/2018, dated



23.10.2018 and to quash the same as illegal, arbitrary and in violation of law and further to direct the respondents to take necessary steps to issue patta to the Petitioners within the time stipulated by this Court.

Heard Mr.M.JyothiBasu, learned counsel appearing for the Petitioners and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3.The case of the Petitioners is that the property in Revenue Survey No.77B15A of Samanthapuram Village, Rajapalayam Taluk, Virudhunagar District was classified as ''Natham'' and the ancestors of the Petitioners have occupied the said property long back and they are in possession of the property measuring an extent of 10120 sq.meters. However, in some of the revenue records, the land in question has been stated as ''Kutturani Poramboke''. The Petitioners are the landless poor people and they have approached the Revenue Authorities for issuance of patta and the Rajapalayam Municipal Council has also passed a resolution stating that they have no objection to classify the land as ''Natham''.

4.The learned counsel for the Petitioners would state that for the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act,1905, the Petitioners have submitted their objections, but without considering the same, the third respondent has issued notice for removal of encroachment of the shops and other places used for commercial purpose, which was also carried out by the respondents.

5.The learned counsel further submitted that the Petitioners would be satisfied if suitable direction is issued to the third respondent to consider the objections submitted by the Petitioners.

6.The learned Special Government Pleader appearing for the respondents would state that in respect of commercial establishments, an order under Section 6 of the Tamil Nadu Land Encroachment Act,1905 was already passed and the third respondent is ready to consider the objections of the Petitioners, before taking further action.

7.Though the Petitioners have sought for a larger relief, however, considering the submissions of the learned counsel appearing on either side, this Court directs the third respondent to consider the objections of the Petitioners and pass appropriate orders in accordance with law, after providing opportunity to all parties concerned, within a period of six weeks from the date of receipt of a copy of this order. Till such time, no coercive steps shall be taken against the Petitioners.



8. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
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3. The Tahsildar,
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Virudhunagar District.
4. The Village Administrative Officer,
Samanthapuram Village,
Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-56653[F] dated 26/03/2019)

+1 CC to M/s.SPL GP (SR-56927[F] dated 27/03/2019)

VSN

ORDER MADE IN
W.P (MD) NO. 7005 OF 2019
and
W.M.P (MD) Nos. 5585 and
5586 of 2019
26.03.2019

KM/ (11.04.2019) 4P 7C