



THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) Nos. 5334, 5335, 5336, 5337, 5338, 5339, 5340, 5341 and 5342 of 2015

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and
W.M.P. (MD) Nos. 1, 1, 1, 1, 1, 1, 1, 1, 2, 2, 2, 2, 2, 2, 2, 2 and 2 of 2015

S.MURUGAN	...Petitioner(s) in WP(MD). 5334/ 2015
R. PANDIAMMAL	... Petitioner(s) in WP(MD). 5335/ 2015
J.DHANALAKSHMI	... Petitioner(s) in WP(MD). 5336/ 2015
P.SUDHA	... Petitioner(s) in WP(MD). 5337/ 2015
P. PANDI	... Petitioner(s) in WP(MD). 5338/ 2015
S.CHANDRA	... Petitioner(s) in WP(MD). 5339/ 2015
M.KAVITHA	... Petitioner(s) in WP(MD). 5340/ 2015
R. THANGAPANDI	... Petitioner(s) in WP(MD). 5341/ 2015
R.JEYAPANDI	... Petitioner(s) in WP(MD). 5342/ 2015

/ VERSUS /

1 THE DISTRICT COLLECTOR, MADURAI DISTRICT, MADURAI

2 THE REVENUE DIVISIONAL OFFICER, MADURAI, MADURAI DIST.

3 THE TAHSILDAR, MADURAI SOUTH, MADURAI

4 THE TAHSILDAR, MADURAI WEST , MADURAI.

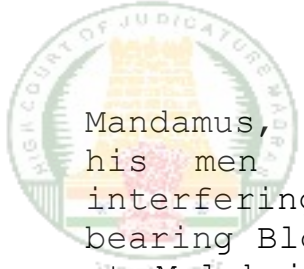
(R4 IS IMPEADED VIDE COURT ORDER DT.14/02/2017 WMP(MD) 1682 to 1690/2017)

... Respondent(s) in WP(MD). 5334 to 5342/ 2015

Common Prayer in WP(MD) Nos. 5334, 5335, 5337, 5339 and 5340/ 2015 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Mandamus, directing the respondents forbearing the respondents or his men or agent or anyone claiming under him in anyway interfering with the possession of the petitioner's property bearing Block NO. 98/6 measuring an extent of 0.01.0 ares situated at Melakuilkudi, Madurai South Taluk, Madurai and further direct the respondents to pay a compensation to a tune of Rs. 5,00,000/- to the petitioner for demolishing the building in the above said premises within the time stipulated by this Honourable Court.

Common Prayer in WP(MD). 5336, 5338, 5341, 5342/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents forbearing the respondents or his men or agent or anyone claiming under him in anyway interfering with the possession of the petitioner's property bearing Block NO. 98/1 measuring an extent of 0.01.0 ares situated at Melakuilkudi, Madurai South Taluk, Madurai and further direct the respondents to pay a compensation to a tune of Rs. 5,00,000/- to the petitioner for demolishing the building in the above said premises within the time stipulated by this Honourable Court.

In all WP's

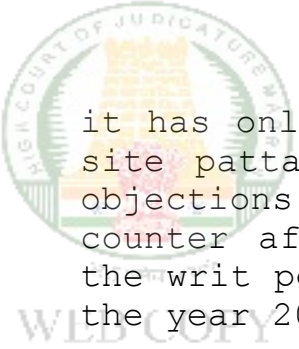
For Petitioner : Mr.D.Sadiq Raja
 For Respondents : Mr.K.Mu.Muthu
 Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2.The writ petitioners are nine in number. They were all granted assignment patta on 03.03.2008. The second respondent had cancelled all these assignment pattas on 19.02.2014. The constructions put up in the land were also demolished. The writ petitioners have therefore, filed these writ petitions seeking two fold relief. The first relief is that the respondent should not interfere with their possession in respect of the petition mentioned property. The other relief is that the respondent should pay compensation to the writ petitioner for carrying out the illegal act of demolition. The respondents have filed their counter affidavits in all these writ petitions.

3.The petitioners' specific contention is that before effecting cancellation of the assignment pattas issued in their favour, they were not put on notice. This Court called upon the respondents to rebut the said assertion made by the writ petitioners. In the counter affidavit filed by the respondents,



it has only been stated that before the cancellation of the house site pattas, notices were issued by them on 01.10.2013 inviting objections if any and that no objections were received. The counter affidavit does not assert that the notice was served on the writ petitioners. These writ petitions were filed way back in the year 2015.

4.Today when the matter was taken up for hearing, no material has been placed before me to indicate that notices were properly served on the writ petitioners before the cancellation were made on 19.02.2014. Therefore, eventhough these writ petitions were filed only in the nature of Writ of Mandamus, the proceedings purporting to cancel the assignment pattas dated 03.03.2008 in favour of the writ petitioner, is quashed. These writ petitions are allowed.

5.As regard the prayer for compensation, this Court is of the view that no material has been placed before me to properly quantify the compensation that can be paid to them. Therefore, this issue is left open and the petitioners are at liberty to institute a proper civil suit claiming compensation and damages. This Court grants only the first part of the writ prayer.

6.Accordingly, these writ petitions are partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
Madurai District,
Madurai.

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

3.The Tahsildar,
Madurai South,



4.The Tahsildar,
Madurai West,
Madurai.

+1 cc to Mr.D.Sadiq Raja , Advocate SR.No.59970

+1 cc to The Special Government Pleader Sr.No.59943

pnn

W.P. (MD) Nos.5334, 5335, 5336,
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5341 and 5342 of 2015
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KM/(29.05.2019) 4P 7C