



W.P(MD)NO.18151 OF 2019
and
W.M.P(MD)No.14600 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.18151 OF 2019

and

W.M.P(MD)No.14600 of 2019

- 1.Sundar
- 2.Banumathi
- 3.Soundarajan
- 4.Tamilselvi
- 5.N.Devi
- 6.Kaliyamurthy
- 7.Karthik
- 8.K.Shivakumar
- 9.K.Saravanakumar
- 10.N.Shivakumar
- 11.M.Veeraiyaiyan
- 12.Gopiraj
- 13.Malliga
- 14.Thangam
- 15.Lakshmi

:Petitioners

.vs.

- 1.The Government of Tamil Nadu,
represented by the Collector,
Thanjavur District,
Thanjavur - 613 001.

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



2.The Revenue Divisional Officer,
Kumabakonam Taluk,
Cutchery Road,
Kumbakonam - 612 001.

3.The Assistant Executive Engineer,
Public Works Department,
Cauvery Basin Sub-Division,
Kumbakonam.

4.The Assistant Engineer,
Public Works Department,
Cauvery Section,
Kumbakonam
Mobile No.97900 91423.

5.The Tahsildar,
Kumbakonam Taluk,
Cutchery Road,
Kumbakonam - 612 001.

6.The Tamil Nadu Slum Clearance Board,
represented by its Executive Engineer,
Madurai Road,
Palakkarai,
Trichy - 620 008
Phone :0431 2705772.
E mail:eetrytnscb@yahoo.co.in

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the respondents 1 to 6 to consider the representations of these Petitioners dated 6.2.2019 given manually to the second respondent/The Revenue Divisional Officer above and the representation dated 3.8.2019 sent to all the above respondents above, not to evict these Petitioners from the Survey Nos.1168, 1178, 1243 and 1368 of the Theperumanallur Water canal having houses numbered by the fourth respondent as T-10, T-7, T-2, T-6,T-3, T-4,T-32, T-33, T-34, T-9, T-38,T-8, T-14 and other houses on the backside of Bakthapuri and on the Kasiraman Street side of Kumbakonam and consequently to direct the first respondent/The Collector, Thanjavur to consider within a time frame as this Court deems fit not to vacate these Petitioners till they get an alternative place of house as remedy as per the Prime Minister's Housing Scheme.



For Petitioner

:Mr.R.Prakash

For Respondents
1 to 5

:Mr.VR.Shanmuganathan
Special Govt.Pleader

For Respondent-6

:Mr.P.Mahendran

WEB COPY

O R D E R

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

This Writ Petition is filed seeking for a mandamus directing the respondents 1 to 6 to consider the representations of these Petitioners dated 6.2.2019 given manually to the second respondent/The Revenue Divisional Officer above and the representation dated 3.8.2019 sent to all the above respondents above, not to evict these Petitioners from the Survey Nos.1168, 1178, 1243 and 1368 of the Theperumanallur Water canal having houses numbered by the fourth respondent as T-10, T-7, T-2, T-6, T-3, T-4, T-32, T-33, T-34, T-9, T-38, T-8, T-14 and other houses on the backside of Bakthapuri and on the Kasiraman Street side of Kumbakonam and consequently to direct the first respondent/The Collector, Thanjavur to consider within a time frame as this Court deems fit not to vacate these Petitioners till they get an alternative place of house as remedy as per the Prime Minister's Housing Scheme.

2.Heard the learned counsel for the Petitioners and the learned Special Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent and perused the materials placed before this Court.

3.The case of the Petitioners is that they are living in the subject-matter property for more than two generations and they are not occupying any water body. It is also stated that they have been provided with the basic amenities like electricity and water connection and therefore, their request for not evicting them from the subject-matter premises has to be considered by the second respondent/The Revenue Divisional Officer by looking into their representations, dated 3.8.2019.

4.The learned Special Government Pleader appearing for the respondents 1 to 5 pointed out that already a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 has been issued individually to all these Petitioners and that without challenging the same, the Petitioners are not entitled to seek for the present relief.



5.Perusal of the documents filed in the typed-set of papers show that the Petitioners were issued with notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. If that be the case, it is for the Petitioners to work out their remedies to challenge the said notice before the appropriate authority in the manner known to law. Without doing so, the Petitioners are not justified in approaching this Court and filing the present Writ Petition for a mandamus, as stated supra.

6.Accordingly, without expressing any view on the merits of the contentions raised by the Petitioners, this Writ Petition is disposed of, granting liberty to the Petitioners to work out their remedy as against the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 before the appropriate authority, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such appeal, the said authority shall consider the same on its own merits and in accordance with law, within a period of eight weeks thereafter. Till an order is passed by the said authority, status-quo, as on today, shall be maintained. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Collector,
Government of Tamil Nadu,
Thanjavur District,
Thanjavur - 613 001.
- 2.The Revenue Divisional Officer,
Kumbakonam Taluk,
Cutchery Road,
Kumbakonam - 612 001.
- 3.The Assistant Executive Engineer,
Public Works Department,
Cauvery Basin Sub-Division,
Kumbakonam.



4.The Assistant Engineer,
Public Works Department,
Cauvery Section,
Kumbakonam.

5.The Tahsildar,
Kumbakonam Taluk,
Cutchery Road,
Kumbakonam - 612 001.

6.The Executive Engineer,
Tamil Tamil Nadu Slum Clearance Board,
Madurai Road,
Palakkarai,
Trichy - 620 008

+20 CC to Mr.R.PRAKASH, Advocate SR-82679.
+1 CC to Mr.P. MAHANDRAN, Advocate SR-82944.
+1 CC to SPL GP SR-83184.

ORDER MADE IN
W.P (MD) NO.18151 OF 2019
and
W.M.P (MD) No.14600 of 2019
21.08.2019

CS (04.09.2019) 5P 29C