



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS. JUSTICE R. THARANI

W.P. (MD) No. 20634 of 2019

and

W.M.P. (MD) No. 17259 of 2019

K. Tamil Selvan

... Petitioner

Vs.

1. The District Collector,
O/o. The District Collector,
Virudhunagar District, Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District, Virudhunagar.
3. The Tahsildhar, Srivilliputhur Taluk,
Virudhunagar District.
4. The Block Development Officer,
Srivilliputhur Panchayat Union,
Srivilliputhur, Virudhunagar District.
5. Athikulam-Chenkulam Village Panchayat,
Rep the Special Officer, Srivilliputhur Taluk,
Virudhunagar District. .. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents 1 to 5 from evicting the petitioner from his respective house in S.No. 246/2B, Athikulam-Chenkulam Village, Srivilliputhur Taluk, Virudhunagar District without following due process of law.

For Petitioner	: Mr. T. Lajapathi Roy
For R1 to R3 & R5	: Mr. A. K. Baskara Pandian Special Government Pleader
For R4	: Mr. S. Angappan Government Advocate

ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr. T. Lajapathi Roy, learned counsel for the petitioner, Mr. A. K. Baskara Pandian, learned Special Government Pleader, for the respondents 1 to 3 and 5 and Mr. S. Angappan, learned Government



Advocate for the fourth respondent. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner is aggrieved by the action initiated by the respondents 3 to 5 in attempting to evict the petitioner from his house, which he has constructed in Survey No.246/2B, Athikulam-Chenkulam Village, Srivilliputhur Taluk, Virudhunagar District without following the due process of law. The eviction proceedings appear to have been initiated pursuant to the direction issued in a writ petition filed by one V.Muthu Kumar in W.P.(MD)No.16489 of 2019 styled as Public Interest Litigation.

3. It is the submission of the petitioner that he has been issued patta by the authorities and he is in lawful possession of the premises.

4. The learned Special Government Pleader, on instructions, submitted that admittedly the land in question is a water body and it is not known as to how, under UDR scheme, the same has been subdivided and patta has been granted.

5. Considering the fact that patta has been granted, the authorities should examine as to on what basis patta has been granted and if it has been illegally granted, it has to be cancelled by following the procedure and then action to be initiated. Without doing so, summarily eviction thereby cannot be taken.

6. In the light of the above, we direct the respondents 3 to 5 to conduct full-fledged enquiry examining the revenue records, ascertain as to on what basis patta was granted and if it is found that patta has been illegally granted, then action should be initiated by following the procedure for cancellation of illegal patta, before which notice has to be issued to the petitioner and other persons. Without following these procedures the petitioner and other persons cannot be summarily evicted from the land in question.

7. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

ta



To

1. The District Collector,
O/o. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Tahsildhar,
Srivilliputhur Taluk,
Virudhunagar District.
4. The Block Development Officer,
Srivilliputhur Panchayat Union,
Srivilliputhur, Virudhunagar District.
5. Athikulam-Chenkulam Village Panchayat,
Rep the Special Officer, Srivilliputhur Taluk,
Virudhunagar District.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.89910
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 89848

ORDER MADE IN
W.P. (MD) No. 20634 of 2019
25.09.2019

SVN(CO)
TR(21.10.2019) 3P 8C