



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

WEB COPY

W.P.[MD]Nos.22269, 22305, 22317, 22338 & 22366 of 2019
and

W.M.P.[MD]Nos.19052, 19074, 19086, 19088,
19102 & 19146 of 2019

G.Valsala Bai	: Petitioner in WP(MD).22269/2019
S.Sri Kala	: Petitioner in WP(MD).22305/2019
V.Gopalan Nair	: Petitioner in WP(MD).22317/2019
V.Sreela	: Petitioner in WP(MD).22338/2019
B.Sree Devi	: Petitioner in WP(MD).22366/2019

Vs.

1. The District Collector,
O/o. The District Collector,
Nagercoil,
Kanyakumari District.
2. The District Revenue Officer,
Nagercoil,
Kanyakumari District.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
4. The Tahsildar,
(Tahdikkarankonam Place),
Thoivalai Taluk,
Kanyakumari District.
5. The Zonal Deputy Tahsildhar,
O/o. Zonal Deputy Tahsildhar Office,
Thoivalai Taluk, Nagercoil,
Kanyakumari District,
6. The Revenue Inspector,
Azhagiyapandia Puram,
Thadikkarankonam Place,
Thoivalai Taluk,
Kanyakumari District.

: Respondents



Prayer in WP(MD). 22269/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the impugned order dated 14.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.3 to issue a patta to the petitioner property in S.No.40/3 in an extent of above 5 1/2 cent in Azhagiyapandiya Puram, Thadikkarankonam Village, Thovalai Taluk, Kanyakumari Dist.

Prayer in WP(MD). 22305/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to call for the records pertaining to the impugned order dt 14.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction directing the respondent No.3 to issue to patta to the petitioner's property in S.No.40/3 in an extent of above 6 cents in Azhagiyapandiya puram, Thadikkarankonam Village, Thovalai Taluk, Kanyakumari District.

Prayer in WP(MD). 22317/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the impugned order dated 14.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.3 to issue a patta to the petitioner property in S.No.40/3 in an extent of above 6 cent in Azhagiyapandiya Puram, Thadikkarankonam Village, Thovalai Taluk, Kanyakumari District.

Prayer in WP(MD). 22338/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the records pertaining to the impugned order dated 14.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction directing the respondent No.3 to issue to patta to the petitioner's property in SNo.40/3, in an extent of above 5 cents in Azhagiyapandiya Puram, Thadikkarankonam Village, Thovalai Taluk, Kanyakumari District.

Prayer in WP(MD). 22366/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the impugned order dated 14.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.3 to issue a patta to the petitioner's property in S.No.40/3 in an extent of above 5 cent in Azhagiyapandiya Puram, Thadikkarankonam Village, Thovalai Taluk, Kanyakumari District.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader
[In all Writ Petitions]

COMMON ORDER

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

By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

2.Heard Mr.T.Lajapathi Roy, learned Counsel appearing on behalf of the petitioners and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the respondents.

3.The petitioners are before this Court for the second time. This Court disposed of the earlier batch of writ petitions on 04.10.2019, by recording the submission of the learned Counsel for the petitioners, on instructions from the petitioners that they confine the prayer only with regard to the dwelling houses. After knowing the same, we disposed of those writ petitions and the operative portion of the order reads thus:

"7.The learned counsel for the petitioners, on instructions, would submit that the petitioners confined their prayer only with regard to the dwelling house.

8.This submission made by the learned counsel for the petitioners is taken on record. Therefore, we dispose of these writ petitions by directing the respondents not to take any coercive action against the petitioners, in respect of the dwelling houses and direct the Tahsildar to conduct enquiry, consider the objections given by the petitioners on 13.09.2019, afford an opportunity of personal hearing to the petitioners or their authorized representative and take a decision on merits and in accordance with law. The prayer made by the petitioners for grant of patta is an independent cause of action, which the petitioners may pursue their remedy before the District Collector. So far as the vacant land is concerned, we direct the respondents to take possession of the same, fence the area and use it for the purpose, which the Government decides as there is a proposal to construct a veterinary hospital in that area.

9.With the above direction, these writ petitions are disposed of. No costs. Consequently,



connected miscellaneous petitions are closed."

4.It is the submission of the learned Counsel for the petitioners that in utter disregard to the directions issued in paragraph No.8 of the order referred above, the respondents are in a high-handed manner attempting to demolish the house and today morning [ie., 22.10.2019] the authorities with police force are threatening the petitioners.

5.In our earlier order, we have made things clear that enquiry to be conducted by the Tahsildar, confining only to the dwelling houses. The other areas where temporary structures or permanent structures are put up, they need to be removed. We were under the impression that the petitioners would remove the encroachments by themselves or upon failure to do so, they will co-operate with the authorities to do so.

6.Learned Special Government Pleader submitted that the steps taken by the authorities is only with regard to the temporary structures and enquiry will be conducted with regard to the dwelling houses.

7.This submission is taken on record and while dismissing the writ petition, we direct the Tahsildar, Thovalai at Boothapandi, to scrupulously abide by the direction issued in paragraph No.8 of the order (supra), conduct an enquiry, consider the objections given by the petitioners on 13.09.2019, offer an opportunity to the petitioners and take a decision on merits and we make it clear that the direction which was issued by us in the earlier order is confined only to the dwelling houses. If the petitioners do not co-operate in removing the other structures by today evening, the same shall be removed by the respondents themselves and if necessary, police assistance can be taken. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
O/o. The District Collector,
Nagercoil,
Kanyakumari District.



2. The District Revenue Officer,
Nagercoil,
Kanyakumari District.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
4. The Tahsildar,
(Tahdikkarankonam Place),
Thovalai Taluk,
Kanyakumari District.
5. The Zonal Deputy Tahsildhar,
O/o. Zonal Deputy Tahsildhar Office,
Thovalai Taluk, Nagercoil,
Kanyakumari District,
6. The Revenue Inspector,
Azhagiyapandia Puram,
Thadikkarankonam Place,
Thovalai Taluk,
Kanyakumari District.

+5 CC to M/s.T. LAJPATHI ROY, Advocate SR-93803.
+1 CC to GP SR-94081.

**Common Order made in
W.P. [MD]Nos.22269, 22305, 22317,
22338 & 22366 of 2019
Dated: 22.10.2019**

MR
CS (20.11.2019) 5P 13C