



W.P.(MD) Nos.8226, 8228, 8230, 8232, 8234,
8235 and 8236 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.8226, 8228, 8230, 8232, 8234,
8235 and 8236 of 2020

W.P.(MD) No.8226 of 2021

A.Aandal

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Tahsildar,
Madurai East Taluk,
Madurai District.

3.The Block Development Officer (Village Panchayats),
East Panchayat Union,
Madurai District.

4.The Panchayat President,
Kallanthiri Village Panchayat,
East Panchayat Union,
Madurai.

... Respondents



*W.P.(MD) Nos.8226, 8228, 8230, 8232, 8234,
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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents No. 1 and 2 to provide House Site Patta to the petitioner in respect of her landed property to an extent of 368.64 Square Feet comprised in Survey No.93, Kallanthiri Bit-1 Village, Madurai East Taluk, Madurai District as per the Government Order in G.O(Ms) No.465, Revenue and Disaster Management Department, dated 27.11.2018 by considering her representation dated 11.03.2021 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For R1 & R2 : Mr.D.Ghandiraj
Special Government Pleader

For R3 & R4 : Mr.C.M.Marichellaiah Prabhu

COMMON ORDER

The petitioners in these writ petitions seek a mandamus to the respondents 1 and 2 to provide them with House Site Patta in respect of the properties in which the petitioners have been in possession as per the Government Order in G.O(Ms) No.465, Revenue and Disaster Management Department, dated 27.11.2018, on considering their respective representations.



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2. It is the case of the petitioners that for over five decades, they and their predecessor in title, have been in possession of the property in question. Most of the petitioners are eking out their livelihood by doing agricultural coolie work in the village. The petitioners would submit that the property in question is classified as Government Poramboke land and there was originally a foot path existing in Survey No.93 which over the period of time has developed into a full formed cart track measuring a breadth of 25 to 30 feet. This cart track is being used for transporting agricultural produce, machine, equipments, etc. Over a period of time, since the land has been put to this use, it has been classified in the revenue records as cart track poramboke. Survey No.93 however, consists of a larger extent and the cart track was situated only in a small extent. The houses of the petitioners does not constitute a hindrance or obstruction to this cart track. While so, it appears that one Vellaiammal had sent a representation to the respondents 1 to 3 stating that the petitioners are encroachers in respect of the lands in Survey No.93 and are causing hindrance to the cart track. She has also approached this Court by filing the writ petition in W.P(MD)No.3444 of 2021 for a



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mandamus to remove the encroachments in Survey No.93. By order, dated 23.02.2021, the Hon'ble Division Bench of this Court, had disposed of the writ petition and the petitioner was directed to make comprehensive representation to the respondents within four weeks and thereafter the Tahsildar was directed to dispose of the representation after affording an opportunity to all the parties, who would be affected by the ultimate order to be passed.

3. The petitioners would submit that even assuming that they are to be evicted, the respondents should take note of the order issued by the Government of Tamil Nadu in G.O.(Ms)No.465, Revenue and Disaster Management Department, dated 27.11.2018, wherein it is stated that where the persons are to be evicted from the Government lands, alternate site have to be provided for them. It is on this basis that the said representation has been forwarded.

4. Taking into account the fact that the petitioners have been residing in the said premises for well over five decades, the respondents



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are directed to consider the representation of the petitioners dated 11.03.2021 and pass appropriate orders on merits and in accordance with law. The petitioners are directed to produce all the relevant documents. The said exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petitions are disposed of with the above directions.

No costs.

19.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp

To

- 1.The District Collector,
Madurai District.
- 2.The Tahsildar,
Madurai East Taluk,
Madurai District.



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