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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2020

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)Nos.8588 and 8642 of 2020

and

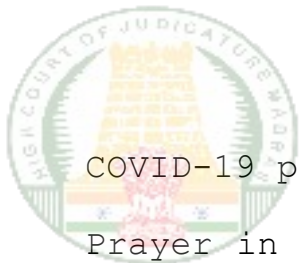
W.M.P. (MD) .Nos.7957 & 7959 of 2020 and 7987 & 7990 of 2020

1. T.S.M.Sambath Kumar ... Petitioner
(in W.P. (MD) .No.8588/2020)
2. N.Dhanabalan ... Petitioner
(in W.P. (MD) .No.8642/2020)

Vs.

1. The District Collector,
Thoothukudi District, Thoothukudi.
2. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
3. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.
4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Surangudi, Thoothukudi District. ... Respondents
(in both Writ Petitions)

Prayer in **W.P. (MD) .No.8588/2020**: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from disturbing the petitioner's peaceful possession and enjoyment of 12.15.0 Hectares out of 457.15.5 in disforest Survey No.989 in Vaipar-I Revenue Village, in Vilathikulam Taluk, Thoothukudi District pursuant to the eviction order dated 16.10.2019 & 06.11.2019, passed by the third respondent in Na.Ka.No.A7/3343/2019, pending Appeal dated 07.02.2020 on the file of the first respondent, under Section 10 of Tamil Nadu Land Encroachment Act, 1905 and pending lock down in



COVID-19 pandemic situation.

Prayer in **W.P. (MD) .No.8642/2020**: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from disturbing the petitioner's peaceful possession and enjoyment of 7.52.0 Hectares out of 457.15.5 in disforest Survey No.989 in Vaipar-I Revenue Village, in Vilathikulam Taluk, Thoothukudi District pursuant to the eviction order dated 16.10.2019 & 06.11.2019, passed by the third respondent in Na.Ka.No.A7/3343/2019, pending Appeal dated 07.02.2020 on the file of the first respondent, under Section 10 of Tamil Nadu Land Encroachment Act, 1905 and pending lock down in COVID-19 pandemic situation.

For Petitioner : Mr. J.Ashok
(in both W.Ps)

For Respondents : Mr. VR.Shanmuganathan,
(In both W.Ps) Special Government Pleader
[for R1 to R3]

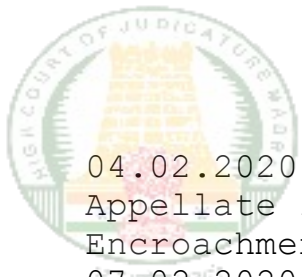
COMMON ORDER

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

By consent, both the writ petitions are taken up and disposed of together by this common order, as the issue to be decided is one and the same.

2. The petitioner in W.P.(MD).No.8588 of 2020, would aver among the things that he is the salt producer, manufacturing common salt and he was permitted to manufacture salt on a specific land admeasuring an extent of 12.15.0 Hectares out of 457.15.5 Hectares, in Survey No.989 of Vaipar-I Revenue Village and with the permission of the concerned authority, he also installed electric motor and pump set and carrying on the avocation for decades together. It is also pointed out by the writ petitioner that a Nodal Officer was also appointed to take care of the interest of the salt manufactures like the petitioner and the Tamil Nadu Salt Corporation Limited was also formed for the welfare of the Salt producers.

3. However, the jurisdictional Revenue officials, of late, started giving 'B' memo charges, treating the petitioner as an encroacher. The petitioner made a challenge to one such notice issued by the jurisdictional Tahsildar dated 06.10.2019, by filing W.P.(MD).No.2139 of 2020 and it was dismissed vide order dated



04.02.2020, by granting liberty to the petitioner to approach the Appellate Authority by invoking Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and accordingly, appeal was filed on 07.02.2020 along with petition for stay.

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4. The learned counsel appearing for the petitioner would submit that despite the statutory appeal along with the petition for stay has been filed before the first respondent, unauthorisedly the jurisdictional Revenue official has barged upon the land and demolished the super structure and also pointed out that the petitioner is eking out his livelihood by carrying on the said avocation for decades together and therefore, prays for appropriate orders.

5. The petitioner in W.P.(MD).No.8642 of 2020, also pleads similar facts and circumstances and he has also projected his case on similar facts and circumstances.

6. Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and on instructions, would submit that a statutory appeal preferred by the petitioner before the first respondent came to be dismissed 04.08.2020 and the petitioners are also having a further remedy in the form of Revision before the Commissioner of Land Administration and further pointed out that the place has been chosen for establishment of an Industrial Estate and due process of law has been followed and as such it is not open to the petitioner to make any complaint.

7. This Court has carefully considered the rival submissions and perused the materials placed before it.

8. No doubt, the petitioners are eking out their livelihood as a salt manufacturers for many decades and admittedly, the lands in question are public lands. The Government for public purpose had identified the land in question for the purpose of establishing an Industrial Estate and in the absence of challenge to the said proceedings, it cannot be faulted with, for the present. In the light of the development, that is, the dismissal of the statutory appeal preferred by the petitioners by the first respondent, the remedy available to the petitioners is they can invoke the revisional remedy before the Commissioner of Land Administration, Chepauk, Chennai and if they are advised so, they may do so accordingly.

9. At this juncture, the learned counsel appearing for the petitioners would also prayed that they may be permitted to submit representations to the concerned jurisdictional officials



for the allotment of alternate site for the reason that their main occupation is manufacturing salt and they are carrying on the said trade for nearly three decades and on the said submissions, this Court had also heard the learned Special Government Pleader appearing for the official respondents 1 to 3.

10. The petitioners, on account of the dismissal of their revisions, are permitted to submit individual representations with relevant and authenticated documents to the first respondent praying for the allotment of alternate site within a period of three weeks from the date of receipt of a copy of this order. The first respondent, on receipt of such representations, is directed to consider the said representations on merits and in accordance with law and pass appropriate orders within a further period of four weeks thereafter and communicate the decision taken to the writ petitioners.

11. In the light of the above facts and circumstances and reasons assigned, these writ petitions deserve dismissal and accordingly, dismissed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar(AL & M)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

1. The District Collector,
Thoothukudi District, Thoothukudi.
2. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.



WP(MD)Nos.8588 and 8642 of 2020
and
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05.08.2020

AL(CO)
TR(21.08.2020) 5P 5C