



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.13704 of 2020

and

W.M.P (MD)No.11378 of 2020

(Through Video Conference)

Annadurai

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Reveue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur,
Madurai District.

4.The Block Development Officer,
T.Kallupatti Union Office,
T.Kallupatti,
Madurai District.

5.The President,
Silarpatti Village Panchayat,
Silarpatti,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to take necessary action for forcible eviction of the petitioner's house and laid road on the petitioner's patta land in S.F.Nos.82/1F2B, 82/1F2D, 82/1A17B, 82/10 and 82/1F1 are situated at Narasingapuram Village, Silarpatti Revenue Village, Peraiyur Taluk, Madurai District, without following any due process of law and to pay just compensation based on the petitioner's representation dated 08.10.2020.

(Prayer is amended as per order dated 30.11.2020 in

W.M.P (MD)No.12532 of 2020 by AQJ)



For Petitioner : Mr.T.Vadivelan
For R-1 to R-3 : Mr.C.Ramar,
Additional Government Pleader
For R-4 & R-5 : Mrs.J.Padmavathi Devi,

O R D E R

Originally, this writ petition was filed for a writ of Mandamus to forbear the respondents from laying road on the patta land in S.F.Nos.82/1F2B, 82/1F2D, 82/1A17B 82/10 and 82/1F1, situated at Narasingapuram Village, Silarpatti Revenue Village, Peraiyur Taluk, Madurai District, without following the due process of law.

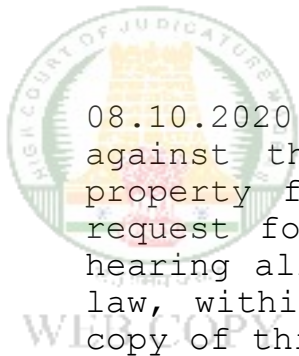
2. When the matter was listed for admission on 05.10.2020, this Court directed the respondents to file their counter affidavit. It is now represented by the learned counsel appearing for the petitioner that on 07.10.2020, the respondents 3, 4 and 5, have forcibly taken possession of the property from the petitioner. In such circumstances, the petitioner has filed W.M.P(MD)No.12532 of 2020, to amend the prayer seeking for a direction to the first respondent to consider the petitioner's representation dated 08.10.2020 calling upon him to take legal action against the erring officials and in the said representation, he has also sought for restoration of his possession.

3. However, the learned counsel appearing for the petitioner, on instructions, would submit that the petitioner would be satisfied if the petitioner's representation dated 08.10.2020 is considered by the first respondent on merits and in accordance with law.

4. Since there is merit in the submissions made by the learned counsel appearing for the petitioner, this Court allowed that Writ Miscellaneous Petition as prayer for.

5. The relief sought for in the revised prayer namely to consider the petitioner's representation dated 08.10.2020, seeking to take action against the erring officials and for restoration of possession of the property to the petitioner, which was taken possession on 07.10.2020, is an innocuous relief. No prejudice will be caused to the respondents if the representation of the petitioner dated 08.10.2020 is considered by them on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated



08.10.2020 requesting the first respondent to take legal action against the erring officials, who have taken possession of the property from the petitioner on 07.10.2020 and also consider his request for restoration of possession and pass final orders after hearing all the necessary parties, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

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,
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Madurai.

2.The Reveue Divisional Officer,
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3.The Tahsildar,
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Peraiyur,
Madurai District.

4.The Block Development Officer,
T.Kallupatti Union Office,
T.Kallupatti,
Madurai District.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-23406[F] dated 01/12/2020)

+1 CC to M/s.GP (SR-23553[F] dated 01/12/2020)

W.P. (MD)No.13704 of 2020

30.11.2020

KM(CO)

KK(17.12.2020) 3P 7C