



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. NOS. 23410 & 23413 OF 2021

R.Munusamy ...Petitioner in W.P.No.23410/2021

G.Santhi ...Petitioner in W.P.No.23413/2021

Versus

1.The District Collector
Chengalpet District
Chengalpet.

2.The Revenue Divisional Officer
Madurantagam
Chengalpet District

3.The Tahsildar
Cheyyur Taluk
Chengalpet District.

4.The Block Development Officer
Village Panchayat
Lathur @ Pavunjur
Chengalpet District

...Respondents in both WPs

Common Prayer : Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent herein to consider the petitioners' representations dated 12.08.2021 sent for allotting a house site at Mugayur Village, Chengalpet District instead of at Aachi Vilagam Village, Chengalpet District.

For Petitioner : Mr.K.Govi Ganesan
in both the Writ Petitions

For Respondents : Mr.A.Selvendran
Additional Government Pleader
for RR1 to 3
in both the writ petitions

Mr.C.Selvaraj for R4
in both the writ petitions



COMMON ORDER

The petitioners have filed these writ petitions praying to issue a Writ of Mandamus directing the first respondent herein to consider their representations dated 12.08.2021 for allotment of house site at Mugayur Village, Chengalpet District, instead of allotting house site at Aachi Vilagam Village, Chengalpet District.

2. According to the petitioners, they are Dhobis by profession and residing in Mugayur Village for a very long period. They have constructed a small house in the land in S.F. No. 258/1 at Mugayur Village and residing there with their families. The survey field map maintained by the revenue department in respect of the aforesaid land, where they have put up construction, was classified as Kuttai Poramboke. However, without knowing the nature of classification of the land, they have put up their houses. While so, the fourth respondent issued notices dated 10.11.2020 in Na.Ka. No. 2284/ 2020/A2 directing the petitioners to remove the unauthorised construction put up by them in the aforesaid land. Challenging the said notices, they filed W.P.Nos.19944 and 19944 of 2020 before this Court and the same were disposed of with a direction to the respondents therein to pass appropriate orders on merits by affording an opportunity of personal hearing to them by considering their objections. Pursuant to such direction, the third and fourth respondents conducted a detailed enquiry and decided to offer alternate lands to the petitioners in the land in S.F.No. 63/1A3A1 at Aachi Vilagam Village and directed to remove the encroachment made by them.

3. It is the grievance of the petitioners that the alternative lands allotted to them in Aachi Vilagam Village are nearly 20 kms away from Mugayur Village where they are presently residing and eking out their livelihood out of the income derived from the dhobi work. That apart, the petitioners also engage themselves in doing petty works at the time of marriage, birth and deaths occurred in the village and earning some amounts. Therefore, if the petitioners are shifted to the alternative land, they will not get any work for their livelihood. Stating so, they made representations on 12.08.2021 requesting the respondents to provide an alternative site at Mugayur Village itself. Finding no response on the same, the petitioners have filed the present writ petitions.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel



for both sides, the first respondent is directed to consider the representations of the petitioners dated 12.08.2021 for allotment of alternative site in Mugayur Village for their dwelling and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioners, within a period of six weeks from the date of receipt of a copy of this order.

6. Both the writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

msr/rsh

To

- 1.The District Collector,
Chengalpet District,
Chengalpet.
- 2.The Revenue Divisional Officer,
Madurantagam, Chengalpet District.
- 3.The Tahsildar,
Cheyyur Taluk,
Chengalpet District.
- 4.The Block Development Officer,
Village Panchayat,
Lathur @ Pavunjur,
Chengalpet District

+1cc to Mr.K.Govi Ganesan, Advocate SR.No.56997

+1cc to the Government Pleader SR.No.57160

WP.Nos.23410 & 23413/2021

KG(CO)

RVM(07/12/2021)