



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.22010 of 2021
and W.M.P.Nos.23229 & 23230 of 2021

- 1.G.Mariammal
- 2.Malliga
- 3.R.Kannagi
- 4.G.Annakili
- 5.B.Sundari
- 6.J.Rani
- 7.V.Gajagowri
- 8.G.Indirani
- 9.V.Mala
- 10.A.Jayanthi
- 11.S.Malar
- 12.M.Kanagavalli
- 13.M.Mangavaram
- 14.A.UmaiyaI

... Petitioners

-vs-

- 1.State of Tamil Nadu
Rep. by its Secretary to the Government
Adi Dravidar and Social Welfare Department
Fort St.George, Chennai - 600 009.
- 2.The Director Adi Dravidar Department
Chepauk, Chennai - 600 005.
- 3.The District Adi Dravidar and Tribal Welfare Officer
Cuddalore.
- 4.The District Collector
Cuddalore
Cuddalore District.
- 5.The Special Tahsildar
(Adi Dravidar Welfare)
Cuddalore.
- 6.The Tahsildar (Revenue)
Cuddalore Taluk
Cuddalore District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from evicting the petitioners from their respective houses comprised in "Adi Dravidar Natham or Kudiruppu" in S.F.No.14/2A Kiz Alinjipattu Village, Cuddalore Taluk and District, pending disposal of the appeal Nos.15700 to 15713 of 2021 on the file of the 4th respondents against the eviction order dated 11.06.2021 on the 5th respondent

For petitioners : Mr.B.Kumarasamy for
Mr.S.Saranraj

For respondents : Ms.Akhila Rajendran
Government Counsel

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners have come up with this writ petition seeking direction for issuance of writ of mandamus, forbearing the respondents from evicting the petitioners from their respective houses comprised in S.F.No.14/2A Kiz Alinjipattu Village, Cuddalore Taluk and District, pending disposal of the Appeal Nos.15700 to 15713 of 2021 on the file of the 4th respondents.

3.Heard, Mr.B.Kumarasamy, learned counsel for the petitioners and Ms.Akhila Rajendran, learned Government Counsel appearing for the respondents.

4.It appears that the land in Survey No.14/2A was originally owned by one Jayarama Reddiar and others. Land acquisition proceedings were initiated by the authorities under the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act 31 of 1978 for providing free house site pattas to the homeless poor Adi Dravidar in Karikkan Colony in Madhalapattu as well as Kiz Alinjipattu Village. It is the case of the petitioners, that they were settled in the lands classified as "Adi Dravidar Natham" and that they were given assignments. Nearly 75 families are residing in the above said land. They also got electricity service connection about two decades ago. It is further stated that they have been paying property tax to the local body and they have been issued with Aadhar Card, Voters Id and Ration Card and other benefits of the Government beneficial schemes.



5.It is seen that the landowners filed writ petitions in W.P.Nos.4345 to 4347 of 2000, challenging the acquisition proceedings and it was allowed on 27.02.2003. The orders were challenged by the Government in Writ Appeal Nos.2173 to 2175 of 2003. During the hearing of the writ appeals, it was represented by the respondents that they have issued a fresh notice under Section 4 (2) of the Act 31 of 1978, in pursuance of the order dated 27.02.2003 of the learned Single Judge. Hence the writ appeals were closed.

6.It is the case of the petitioners that without pursuing the notice issued, the respondents are proceeding to evict them, treating them as encroachers. Aggrieved by the order dated 11.06.2021 passed under Land Encroachment Act, the petitioners have preferred an appeal before the 4th respondent. When the appeals are pending, an attempt is being made by the respondents, to dispossess them and hence, the present writ petition.

7.The learned counsel for the petitioners would state that it would suffice, if a direction is issued to the 4th respondent to dispose of the appeals preferred by the petitioners and in the meanwhile, in the interest of the petitioners, may be protected by granting interim relief.

8.The learned Government Counsel appearing for the respondents would state that the 4th respondent is ready to pass orders on the appeals preferred by the petitioners in Appeal Nos.15700 to 15713 of 2021, in accordance with law.

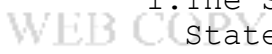
9.In the light of the above submission of the learned counsels, and also considering the facts and circumstances of this case, this Court without expressing any opinion on the merits of the case, directs the 4th respondent to pass orders on the appeals preferred by the petitioners, in accordance with law, after providing necessary opportunity to all the parties, within a period of three months from the date of receipt of a copy of this order. Till then, the respondents shall not precipitate the matter.

10.Accordingly, this writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



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- +1cc to M/s.S.Saranraj, Advocate Sr No.53013

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