



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

**W.P. (MD) Nos. 662, 668, 671, 675, 678, 685,
689, 700, 703 & 707 of 2021**

and

**W.M.P. (MD) Nos. 554, 556, 559, 561, 563,
570, 575, 584, 585 & 588 of 2021**

Kamila	: Petitioner in W.P. (MD) No. 662 of 2021
Uma Rani	: Petitioner in W.P. (MD) No. 668 of 2021
Rajeswari	: Petitioner in W.P. (MD) No. 671 of 2021
N. Nagarajan	: Petitioner in W.P. (MD) No. 675 of 2021
Krishnammal	: Petitioner in W.P. (MD) No. 678 of 2021
Akbar Ali	: Petitioner in W.P. (MD) No. 685 of 2021
Chinnammal	: Petitioner in W.P. (MD) No. 689 of 2021
Sundara Mahalingam	: Petitioner in W.P. (MD) No. 700 of 2021
Murugesan	: Petitioner in W.P. (MD) No. 703 of 2021
Dhinesh Kumar	: Petitioner in W.P. (MD) No. 707 of 2021

Vs.

1. The Commissioner,
Commissionerate of Land Administration,
Chepauk, Chennai - 5.

2. The District Revenue Officer,
Madurai District,
Madurai.

3. The Tahsildar,
Melur Taluk,
Madurai District.

4. The President,
Kottampatty Village Panchayat,
Melur Taluk, Madurai District.

: Respondents in all WPs

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the fourth respondent's impugned order in Oo.Ma.Ka.No.1/2020, dated 14.12.2020, quash the same as illegal and consequently, directing the second respondent to issue patta to the petitioners by reclassifying the petitioners possessed lands and its extent of 0.01.09 sq.mtrs., 0.00.83 sq.mtrs., 0.01.09 sq.mtrs., 0.00.15 sq.mtrs., 0.00.92 sq.mtrs., 0.01.35 sq.mtrs., 0.00.78 sq.mtrs., 0.00.91 sq.mtrs., 0.01.15 sq.mtrs., and 0.00.57 sq.mtrs.,



respectively situated in S.No.264 of Kottampatty Village, Melur Taluk, Madurai.

For Petitioners : Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj in all WPS

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader
for R.1 to R.3 in all WPS

COMMON ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

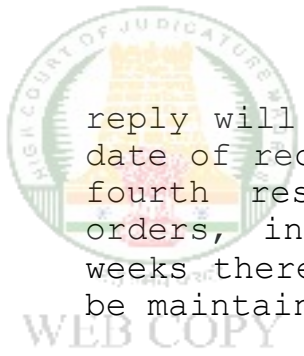
Taking into consideration of the fact that the impugned orders passed in all these cases involve the same issue, all the writ petitions have been taken up together and are disposed of by way of this common order.

2. The petitioners are stated to be encroachers over a water body. On an earlier occasion, an order was passed by the Division Bench in W.P.(MD)Nos.15893 of 2019, etc., batch, dated 22.07.2019, directing the third respondent herein / Tahsildar to conduct an enquiry. Now, the present impugned orders have been passed by the fourth respondent / Panchayat President asking the petitioners to vacate their respective occupation and possession of the water body.

3. The learned Counsel appearing for the petitioners submitted that the earlier orders passed by this Court have not been given effect to. While enquiry is pending with the Tahsildar, the present impugned orders are passed and thereafter, a resolution has been passed under the aegis of the President, representing the fourth respondent. Under these circumstances, the impugned orders are liable to be set aside, especially when no notice has been issued to the petitioners before undertaking such exercise.

4. The learned Special Government Pleader appearing for the official respondents submitted that though a resolution has been passed, no decision has been taken and the classification of the land in question is a water body, as of now.

5. On perusal of the impugned orders, we find that admittedly no notice has been given to the petitioners. Thus, we are not inclined to go into the factual adjudication at this stage. It is the case of the petitioners that in pursuant to the impugned orders and in view of the subsequent resolution passed, attempts are made to evict them. Considering the submissions made, without expressing anything on merits, we permit the petitioners to give suitable reply to the impugned orders, by treating them as show cause notices. Such



reply will have to be given within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent shall consider and pass appropriate speaking orders, in accordance with law, within a further period of four weeks thereafter. Till such time, the *status-quo*, as on date, shall be maintained.

6. With the above directions, all the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Commissioner,
Commissionerate of Land Administration,
Chepauk, Chennai - 5.

2. The District Revenue Officer,
Madurai District,
Madurai.

3. The Tahsildar,
Melur Taluk,
Madurai District.

4. The President,
Kottampatty Village Panchayat,
Melur Taluk, Madurai District.

+10 CC to Mr. NA. PALANIYANDI, Advocate (SR-1757 TO 1766[F] dated 22/01/2021)

+1 CC to SPL GP (SR-1874[F] dated 22/01/2021)

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