



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

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W.P. (MD)Nos.9856 to 9858 and 8014 of 2013
and M.P. (MD) Nos.2 & 3 of 2013 in W.P. (MD) No.9856 of 2013
and M.P. (MD) Nos.1 & 2 of 2013 in W.P. (MD) No.9857 of 2013
and M.P. (MD) Nos.1 & 2 of 2013 in W.P. (MD) No.9858 of 2013
and M.P. (MD) Nos.1 & 2 of 2013 in W.P. (MD) No.8014 of 2013

W.P. (MD)Nos.9856 to 9858 of 2013:

1.Ajitha Banu
2.Aaseek Ahamed ... Petitioners in W.P. (MD) No.9856/2013

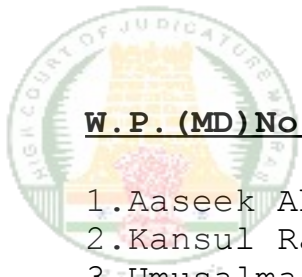
Kansul Rahaman ... Petitioners in W.P. (MD) No.9857/2013

Umusalma ... Petitioners in W.P. (MD) No.9858/2013

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.
2.The Thasildar,
Tiruchendur,
Tuticorin District.
3.The President,
Udangudi Selection Grade Town Panchayat,
Tuticorin District.
4.The Executive Officer,
Udangudi Selection Grade Town Panchayat,
Tuticorin District.
5.Ramesh ... Respondents in W.P. (MD) No.9856 to
9858 of 2013
(R5 impleaded as per order dated 29.08.2013
in M.P. (MD) No.4/2013 in W.P. (MD) No.9856
of 2013, M.P. (MD) No.3/2013 in W.P. (MD)
Nos.9857 & 9858 of 2013

Common Prayer in W.P. (MD) Nos.9856 to 9858 of 2013: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in Aa2/8049/2013 dated 27.05.2013 and quash the same.



W.P. (MD) No.8014 of 2013:

- 1.Aaseek Ahamed
- 2.Kansul Rahaman
- 3.Umusalma

... Petitioners

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Vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.
- 3.The Thasildar,
Tiruchendur,
Tuticorin District.
- 4.The Executive Officer,
Udangudi Selection Grade Town Panchayat,
Tuticorin District.
- 5.The President,
Udangudi Selection Grade Town Panchayat,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 12.04.2013 and issue 'House Patta' to the Door No.11B, 1X and 6C in S.No.876/2 and 876/27 in Puthumanai Mela Street, Ward No.9, Udangudi Selection Grade Town Panchayat, Tiruchendur Taluk, Tuticorin District within a time stipulated by this Hon'ble Court.

For Petitioners in all the : Mr.V.Meenashisundaram
Writ Petitions

For Respondents 1 & 2 in : Mr.R.Baskaran
W.P.(MD) Nos.9856 to 9858 Standing Counsel for Government
of 2013 and for Respondent
Nos.1 to 3 in W.P.(MD) No.
8014 of 2013

For Respondent No.3 in : Mr.P.Gunasekaran
W.P.(MD) Nos.9856 to 9858 Standing Counsel
of 2013 and Respondent No.
5 in W.P.(MD) No.8014 of
2013



For Respondent No.4 in all : Mr.A.K.Baskarapandian
the Writ Petitions

For Respondent No.5 in : Mr.R.Anand
W.P.(MD) No.9856 to 9858
of 2013

O R D E R

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The petitioners have filed these Writ Petitions challenging the notices of eviction coupled with the rejection of request for regularization.

2.The learned counsel for the petitioners would contend that the impugned order was passed based upon the order in W.P. (MD) No.3700 of 2013, dated 18.03.2013, without taking note of the fact that the petitioners had filed Review Application against the said order in Review Application S.R.No.20271 of 2013, which was disposed of by an order dated 05.04.2013, wherein the rights of the petitioners to workout their remedies are preserved.

3.After hearing the learned counsel for the petitioners as well as the respondents, we find that the manner in which the impugned order was passed by referring to the order passed in the Writ Petition may not be correct. However, there is every possibility that the second respondent Tahsildar would not have known the order passed in the Review Application as the review application was disposed of at the S.R. Stage, when the petitioners sought for leave to file review application. In any event, if there is any encroachment made by the petitioners, notice has to be furnished to the petitioners and thereafter action has to be taken.

4.In the instant case, there is no dispute that the petitioners are the encroachers, but they waited for the resolution to be passed by the Udangudi Selection Grade Town Panchayat and the Udangudi Selection Grade Town Panchayat has also passed an order. We are at a loss to understand as to how the Udangudi Selection Grade Town Panchayat has passed a resolution, regularizing the encroachments made. In any event, since the impugned notices suffer error, as stated above, they require interference.

5.Accordingly, these Writ Petitions are allowed and the impugned orders in W.P.(MD) Nos.9856 to 9858 of 2013 are quashed and the matter is directed to be placed before the District Collector, Udangudi District, who shall examine the files and



issue appropriate directions to the Tahsildar, Tiruchendur and the Executive Officer, Udangudi Selection Grade Town Panchayat in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

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,
Tuticorin District,Tuticorin.
- 2.The Revenue Divisional Officer,
Tiruchendur,Tuticorin District.
- 3.The Thasildar,
Tiruchendur,Tuticorin District.

+1 CC to M/s.SPL GP (SR-21212[F] dated 05/07/2021)

+1 CC to M/s.A.K.BASKARA PANDIAN, Advocate (SR-21266[F] dated 05/07/2021)

W.P. (MD)Nos.9856 to 9858 and 8014 of 2013

02.07.2021

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