



WEB COPY

W.P.(MD) No.11345 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.11345 of 2021

and

W.M.P (MD) .No.8890 of 2021

- 1.R.Sivakumar
2. Muthulakshmi
3. Bagyalakshmi
4. Pushpam
5. Selvajothi
6. Sabariammal
7. Ganeshapandi
8. Pandi
9. Sulochana
10. Geetha
11. Rajathi
12. Jamuna
13. Ramesh Babu
14. Lalitha
15. Karthika Rajeswari
16. Sonai
17. Manikanda Prabhu
18. Dhanapackiyam
18. Ramya
20. Kannan
21. Bhavani
22. Pandi
23. Suresh babu
24. Bagyalakshmi
25. Nagalakshmi
26. Mathimaran
27. Subha
28. Rajagopal
29. Ravichandran
30. Mayan
31. Mayee
32. Sundar
33. Subash Chandru
34. Deivam

... Petitioners

Vs



1. The Government of Tamil Nadu,
Rep. through its Secretary,
Department of Revenue,
St.George Fort,
Chennai - 600 009.
2. The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Madurai District, Madurai.
4. The Commissioner,
Madurai Corporation, Madurai.
5. The Assistant Engineer,
Madurai Corporation, Madurai.
6. The Tahsildar,
Thirupparankundram Taluk,
Madurai District.
7. The Inspector of Police,
Thiru Nagar Police Station,
Madurai City.
8. The Village Administrative Officer,
Thirupparankundram Village,
Thirupparankundram,
Madurai-5.
9. The Revenue Inspector,
Thirupparankundram Village,
Thirupparankundram,
Madurai-5.
10. Mr.Muneer Ahamed,
Presently working as Assistant Engineer,
Madurai Corporation (98th ward),
Thiru Nagar, Madurai-6.
11. Mr.Moorthi,
Presently working as Tahsildar,
Thirupparankundram Taluk,
Thiru Nagar, Madurai-6.



12. Mrs.Yasin Babu,
Presently working as Village Administration Officer,
Thirupparankundram Taluk,
Thirupparankundram, Madurai-5.

13. Mr.Ramar,
Presently working as Revenue Inspector,
Thirupparankundram Revenue Circle,
Thirupparankundram, Madurai-5.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 9 to restore the possession of the respective properties to the writ petitioners to its original position as stood before 15.04.2021 as detailed in the tabular column above mentioned, after taking appropriate legal action against the respondents 10 to 13.

For Petitioners : Mr.R.Aravindan

For respondents : Mr.A.K.Manickam,
Standing Counsel
for Government
for R1 to R3 and R5 to R9

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.R.Aravindan, learned counsel appearing for the petitioners and Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 1 to 3 and 5 to 9.

2. The petitioners seek for the relief directing the respondents 1 to 9 to restore the possession of the respective properties to the writ petitioners, to its original position, as stood before 15.04.2021, as detailed in the tabular column above mentioned, after taking appropriate legal action against the respondents 10 to 13.

3. Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 1 to 3 and 5 to 9 submitted that in W.P(MD).No.9384 of 2021, dated 07.07.2021, directions have been issued to the District Collector, to conduct an enquiry and take appropriate action. The operative portion of the order reads as follows:

" 4. The petitioners grievance is that the respondents have taken action to cancel the property tax assessment and also the electricity service connection without notice to the petitioners. The



respondents would state that the petitioners are the bank encroachers. However, it is not clear as to what will be the effect of the assignment granted to the petitioners in the year 2009, which is filed as a first document in the typed set of papers. Therefore, the petitioners have to be given an opportunity to place the entire materials, so that they can plead their case for the consideration of the authorities. However, the petitioners are in disadvantageous position, because they have not been furnished with any records or notices and it appears that the Tahsildar and the Officials of the Corporation have passed certain orders and issued certain proceedings which according to the petitioners would affect their rights. Thus, considering the complexity of the situation and since it is necessary to examine the genuineness of the assignment claimed to have been given to the petitioners, we are of the opinion that an enquiry is required to be conducted by the District Collector. Therefore, we dispose of these Writ Petitions, by directing the petitioners to submit their representations to the District Collector within a period of one week from the date of receipt of a copy of this order, requesting for copies of the documents which have been referred to in various correspondence now referred to by the respondents. On receipt of the representations, the copies of those correspondence and proceedings be furnished within one week thereafter to the petitioners and on receipt of those orders and proceedings, the petitioners shall give comprehensive representations setting out as to how they claimed right over the property in question. On receiving the said representations, the District Collector shall enquire into the matters and the Tahsildar as well as the Officials of the Corporation also should participate in the enquiry and after hearing the parties, a reasoned order be passed, on merits and in accordance with law, within a period of three weeks from the date on which the enquiry is concluded. No costs."

4. In the light of the above, it is always open to the petitioners to participate in the enquiry and thereafter, has right to seek appropriate remedy.



5. With the above observation, this **writ petition stands disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

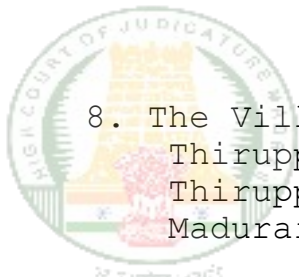
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Note :

1. 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 Secretary,
Government of Tamil Nadu,
Department of Revenue,
St.George Fort,
Chennai - 600 009.
2. The Commissioner of Land Administration,
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3. The District Collector,
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4. The Commissioner,
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5. The Assistant Engineer,
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6. The Tahsildar,
Thirupparankundram Taluk,
Madurai District.
7. The Inspector of Police,
Thiru Nagar Police Station, Madurai City.



8. The Village Administrative Officer,
Thirupparankundram Village,
Thirupparankundram,
Madurai-5.

9. The Revenue Inspector,
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10. Mr.Muneer Ahamed,
Presently working as Assistant Engineer,
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Presently working as Tahsildar,
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Thiru Nagar, Madurai-6.

12. Mrs.Yasin Babu,
Presently working as Village Administration Officer,
Thirupparankundram Taluk,
Thirupparankundram, Madurai-5.

13. Mr.Ramar,
Presently working as Revenue Inspector,
Thirupparankundram Revenue Circle,
Thirupparankundram, Madurai-5.

+1 CC to M/s.SPL GP (SR-22134[F] dated 12/07/2021)

W.P. (MD) No.11345 of 2021

09.07.2021

PM(CO)

LR (20.07.2021) 6P 15C