



WEB COPY

W.P.[MD]Nos.9384, 9386 to 9391, 9393 and 9394 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.9384, 9386 to 9391, 9393 and 9394 of 2021

M.Nainar Mohamed	... Petitioner in WP(MD).9384 of 2021
Majitha Banu	... Petitioner in WP(MD).9386 of 2021
Mohamed Mohaideen	... Petitioner in WP(MD).9387 of 2021
V.Kavi Sri	... Petitioner in WP(MD).9388 of 2021
Nigumath Nisha	... Petitioner in WP(MD).9389 of 2021
Majitha Begam	... Petitioner in WP(MD).9390 of 2021
Mookkammal	... Petitioner in WP(MD).9391 of 2021
Jeyapandian	... Petitioner in WP(MD).9393 of 2021
Vasanthi	... Petitioner in WP(MD).9394 of 2021

Vs.

1.The Secretary,
Department of Revenue and Disaster Manager,
St. George Fort, Chennai.

2.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.

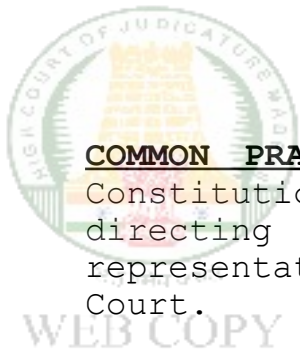
3.The District Collector,
Madurai District,
Madurai.

4.The Commissioner,
Madurai Corporation,
Madurai.

5.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

6.The Tahsildar,
Madurai South,
Madurai.

... Respondents in all WPs



COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 19.04.2021, within the time stipulated by this Court.

For Petitioners
in all W.Ps. : Mr.Babu Rajendran

For R1 to R3, R5 & R6 : Mr.A.K.Manickam
in all W.Ps. Standing Counsel for Government

For R4 : Mr.R.Murali
in all W.Ps.

C O M M O N O R D E R

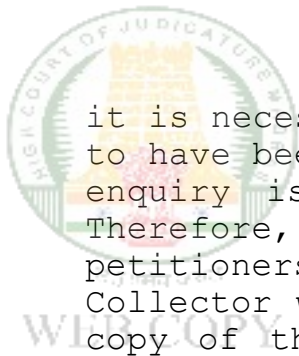
[Order of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.Babu Rajendran, learned counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing counsel appearing for the respondents 1 to 3, 5 and 6 and Mr.R.Murali, learned counsel appearing for the fourth respondent.

2. The petitioners have filed these writ petitions to consider their representations dated 19.04.2021. In the said representations, the petitioners seek for payment of compensation for the illegal demolition of their house property and for restituting them in possession of the said property.

3. The petitioners' case rests upon the assignments granted during the year 2009. The petitioners claim that the property has been assessed with property tax and they have paid the property tax and also obtained electricity service connection.

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.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Secretary,
Department of Revenue and Disaster Manager,
St. George Fort, Chennai.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.
- 3.The District Collector,
Madurai District,
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5.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

6.The Tahsildar,
Madurai South,
Madurai.

+1 CC to M/s.BABU.RAJENDRAN, Advocate SR-21640[F] dated 08/07/2021

+1 CC to M/s.SPL GP (SR-21737[F] dated 08/07/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-21622[F] dated 08/07/2021)

ORDER MADE IN
W.P.[MD]Nos.9384, 9386 to 9391, 9393 and 9394 of 2021
07.07.2021

TP (CO)

TR(14.07.2021) 4P 10C