



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.13524 of 2021

and

W.M.P(MD)Nos.10481, 10483 & 10484 of 2021

R.Pandiammal

... Petitioner

Vs.

- 1.The Chief Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Secretary to Government,
Adi-Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
District Collectorate Campus,
Madurai District.
- 4.The Revenue Divisional Officer,
Madurai,
Madurai District.
- 5.The Tahsildar,
North Taluk,
Madurai.
- 6.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.
- 7.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Samayanallur,
Madurai District.
- 8.The Inspector of Police,
Samayanallur Police Station,
Madurai District.



9.The Revenue Inspector,
Siruvalai Village,
North Taluk,
Madurai District.

10.Ayyammal

11.Village Administrative Officer,
Siruvalai Village,
North Taluk,
Madurai.

12.Moonusamy

13.President,
Siruvalai Village Panchayat,
North Taluk,
Madurai District.

14.Pandiammal

15.Arunachalam

16.Machakalai

17.Ramalingam

18.Eswari

19.Chandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the official respondents to consider the representation of the petitioner dated 13.07.2021 to initiate legal action by fixing the time limit and consequently direct the respondents 1 to 3 to provide compensation to the petitioner to the tune of Rs.10,00,000/- by issuing free house site patta in favour of the petitioner within the time limit that may be fixed by this Court.

For Petitioner	: Mr.C.M.Arumugam
For RR 1 to 9 & 11	: Mr.B.Saravanan Government Advocate
For R - 13	: Mr.P.Thilak Kumar Government Pleader

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the official respondents to consider the representation of the petitioner dated 13.07.2021 to initiate legal action by fixing the time limit and consequently directing the



respondents 1 to 3 to provide compensation to the petitioner to the tune of Rs.10,00,000/- by issuing free house site patta in favour of the petitioner within a time frame.

2.When the matter is taken up for hearing today, Mr.C.M.Arumugam, learned counsel appearing for the petitioner, on instructions, submitted that the petitioner is giving up the prayer with regard to the payment of compensation and restricted her prayer only with regard to the other reliefs.

3.It is the case of the petitioner that she was evicted from the land in question in Survey No.204/23 of Siruvalai revenue Village under the provisions of the Tamil Nadu Land Encroachment Act, 1905, however, she was not issued with any prior notice before taking possession of the property.

4.The learned counsel appearing for the petitioner submitted that thought the petitioner is an encroacher of the Government land, the official respondents should have evicted her only following due process of law.

5.Mr.B.Saravanan, learned Government Advocate appearing for the respondents 1 to 9 & 11 and Mr.P.Thilak Kumar, learned Government Pleader appearing for respondent No.13 submitted that when the fifth respondent sought to serve the eviction notice on the petitioner, she refused to receive the same and therefore, the notice was affixed in the thatched shed of the property. Further, a copy of the notice was also affixed in the office of the Village Administrative Officer, Siruvalai Village, namely, respondent No.11, and also in the Siruvalai Panchayat Office. The learned Government Pleader further submitted that since the petitioner refused to receive the notice, the notice was fixed in all the three places and therefore, the petitioner's contention that she was not serve with any notice may not be accepted.

6.Mr.C.M.Arumugam, learned counsel appearing for the petitioner submitted that the petitioner has immediately, after losing her possession on 09.07.2021, sent representations to various authorities on 13.07.2021, however, the authorities have not considered the same so far.

7.The learned Government Pleader submitted that the respondents 3 and 5 are the authorities to consider the petitioner's representation.

8.The learned counsel appearing for the petitioner submitted that the respondents 3 and 5 may be directed to consider the petitioner's representation in accordance with law.



9.Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for by the learned counsel appearing for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the respondents 3 and 5 to consider the petitioner's representation, dated 13.07.2021 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

10.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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 Chief Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Secretary to Government,
Adi-Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
District Collectorate Campus,
Madurai District.
- 4.The Revenue Divisional Officer,
Madurai, Madurai District.



5.The Tahsildar,
North Taluk,
Madurai.

6.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

7.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Samayanallur,
Madurai District.

8.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

9.The Revenue Inspector,
Siruvalai Village,
North Taluk,
Madurai District.

10.The Village Administrative Officer,
Siruvalai Village,
North Taluk,
Madurai.

11.The President,
Siruvalai Village Panchayat,
North Taluk,
Madurai District.

+1 CC to M/s.GP (SR-27748[F] dated 01/09/2021 & SR-27894[F] dated 02/09/2021)

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-27815[F] dated 01/09/2021)

W.P (MD) No.13524 of 2021
31.08.2021

KS (CO)
TR (03.09.2021) 5P 14C