



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14196 of 2021

and

W.M.P (MD) No.11144 of 2021

WEB COPY

1.K.Santhanam
2.S.Govindaraj
3.S.Krishnamoorthy
4.S.Ramakrishnan

... Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.The Panchayat President,
Korikadavu Panchayat,
Palani Taluk,
Dindigul District.

... Respondents

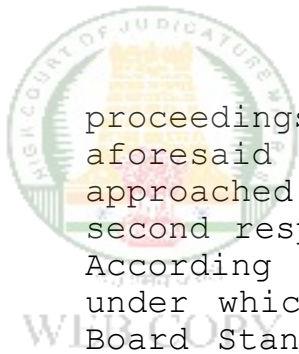
Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents from dispossessing the petitioners from the land in Survey No.638/4 measuring to an extent of 1.14 acres situated at Korikadavu Village, Palani Taluk, Dindigul District except due process of law.

For Petitioners	: Mr.T.Lenin Kumar
For R1 & R2	: Mr.R.Baskaran Counsel for State
For R3	: Mr.M.Lingadurai Standing Counsel

ORDER

The petitioners seek to prevent their dispossession from the land in Survey No.638/4 ad-measuring 1.14 acres at Korikadavu Village, Palani Taluk, Dindigul District except by following due process of law.

2.The petitioners state that they have been cultivating the poramboke land bearing the aforesaid survey number after their father's demise. It is stated that the second respondent by



proceedings dated 02.12.1996 granted a 2C patta in respect of the aforesaid land. The petitioners allege that the third respondent approached the second respondent and attempted to influence the second respondent to dispossess the petitioners from the said land. According to the petitioners, there are only three circumstances under which interference is warranted with a 2C patta as per the Board Standing Order 18(2)(c). It is stated that the petitioners have not contravened the stipulations in the aforesaid Board Standing Order and, therefore, the petitioners should be protected.

3. In spite of submitting a representation in this regard to the second respondent, the petitioners apprehend that trees would be felled and removed from the property.

4. Mr. R. Baskaran, learned counsel for the State, accepts notice on behalf of the first and second respondents and Mr. M. Lingadurai, learned Standing Counsel, accepts notice on behalf of the third respondent.

5. The question as to whether the petitioners have violated the terms and conditions of the grant of 2C patta has to be examined by the second respondent by taking into account the relevant Board Standing Order in such regard. Needless to say, unless the petitioners have violated such terms and conditions, they should not be deprived of the benefit of such 2C patta.

6. Subject to the above observations, but without going into the merits of the matter, the second respondent herein is directed to consider the petitioners' representation dated 17.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioners. Such reasoned order shall be passed within a period of two (2) months from the date of receipt of a copy of this order.

7. W.P.(MD).No.14196 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.11144 of 2021 is closed.

Sd/-

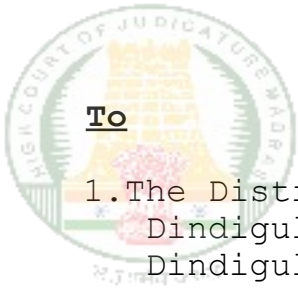
Assistant Registrar (AE)

// 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 District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.The Panchayat President,
Korikadavu Panchayat,
Palani Taluk,
Dindigul District.

+1 CC to M/s.Special Government Pleader (SR-26363[F] dated
16/08/2021)

W.P. (MD) .No.14196 of 2021
13.08.2021

RS (23.08.2021) 3P 5C