



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.18482, 18483, 18484, 18485 & 18486 of 2021
and

W.M.P(MD)Nos.15250, 15251, 15252, 15255, 15260, 15261, 15257,
15258, 15253 & 15254 of 2021

S.Poongodhai	... Petitioner in W.P(MD)No.18482/2021
P.Raj Kumar	... Petitioner in W.P(MD)No.18483/2021
R.Vijayakumar	... Petitioner in W.P(MD)No.18484/2021
M.Suryamani	... Petitioner in W.P(MD)No.18485/2021
Rajammal	... Petitioner in W.P(MD)No.18486/2021

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Revenue Officer,
Madurai District,
Madurai.
- 3.The Tahsildar,
Melur Taluk,
Kottampatti,
Madurai District.
- 4.The Block Development Officer,
Kottampatti Panchayat Union,
Kottampatti,
Madurai District.



5.The President,
Kottampatti Village Panchayat,
Kottampatti Panchayat Union,
Kottampatti,
Madurai District.

... Respondents in all W.Ps'

WEB COPY

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Certiorarified Mandamus, to call for the impugned communication issued by the third respondent vide Na.Ka.No.8896/2017/B1 dated 08.09.2021 and further impugned communication issued by the fourth respondent vide Na.Ka.No.TI/373/2020 dated 22.09.2021 and consequent impugned order passed by the fifth respondent vide Na.Ka.No.01/2020 dated 27.09.2021 and quash the same as illegal and as devoid of merits and direct the second respondent to issue regular pattas to the petitioners in Survey Nos.247/18, 247/19, 247/10, 247/20 and 247/17 as like issued to other nearby residents in survey number 247/2 to 247/11 of Kottampatti Village, Melur Taluk, Madurai District.

For Petitioner : Mr.Raja.Karthikeyan
(in all W.Ps)

For RR 1 to 3 : Mr.B.Saravanan
(in all W.Ps) Government Advocate

For RR 4 & 5 : Mr.P.Thilak Kumar
(in all W.Ps) Government Pleader

COMMON ORDER

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

The petitioners have filed the above Writ Petitions to issue Writs of Certiorarified Mandamus, to call for the impugned communication issued by the third respondent, dated 08.09.2021 and further impugned communication issued by the fourth respondent, dated 22.09.2021 and the consequential impugned order passed by the fifth respondent, dated 27.09.2021 and to quash the same and consequently, directing the second respondent to issue regular pattas to the petitioners in Survey Nos.247/18, 247/19, 247/10, 247/20 and 247/17 of Kottampatti Village, Melur Taluk, Madurai District.

2.It is the contention of Mr.Raja.Karthikeyan, learned counsel appearing for the petitioners that the lands in question were assigned in favour of the petitioners and assignment pattas were also issued in their favour. Hence, the action taken by the



official respondents to evict the petitioners from the said lands are erroneous.

3. Earlier, the petitioners in W.P(MD)Nos.18482, 18484 and 18485 of 2019 have filed Writ Petitions in W.P(MD)Nos.16008, 15904 and 16003 of 2019 and the Division Bench of this Court, by order dated 19.09.2019 disposed of the Writ Petitions directing the petitioners to treat the impugned notices as show-cause notices and submit their reply along with the documents. Pursuant to the order, dated 19.09.2019, the petitioners have also given their explanation to the authorities. Thereafter, again the petitioners preferred the Writ Petitions in W.P(MD)Nos.279, 365, 366, 367 and 368 of 2021 challenging the orders passed by the third respondent dated 14.12.2020. The Division Bench of this Court, by order dated 11.01.2021, disposed of the Writ Petitions once again directing the petitioners to treat the impugned orders as show-cause notices and gave liberty to the petitioners to give their responses. Accordingly, the petitioners again submitted their explanation. After considering the representations given by the petitioners, the respondents 3 to 5 passed the orders, which are impugned in the Writ Petitions.

4. The only contention raised by the learned counsel for the petitioners was that the authorities have already issued assignment pattas in favour of the petitioners. Hence, the impugned orders are liable to be set aside.

5. On a perusal of the orders impugned in the Writ Petitions, it could be seen that the authorities have initiated action for removing the encroachments made in Survey No.247/1, which is a water body, whereas on a perusal of the assignment pattas issued in favour of the petitioners which are enclosed in the typedset of papers, it could be seen that the assignment pattas were issued only in respect of Survey Nos.247/18, 247/19, 247/10, 247/20 and 247/17 and not in respect of Survey No.247/1. In fact in the assignment pattas, Survey No.247/1 has been shown as a Northern boundary of the petitioners' land.

6. The learned counsel for the petitioners has not pointed out any document to establish that Survey No.247/1 was also assigned in favour of the petitioners. The learned counsel fairly admitted that Survey No.247/1 is a water body. Since no assignment pattas have been issued in favour of the petitioners in respect of Survey No.247/1, they are not entitled to remain in the said lands, which is a water body.

7. Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 4 and 5 submitted that the impugned orders were issued only in respect of Survey No.247/1 and that the official



respondents would evict the encroachment made only in Survey No.247/1 and not in respect of other survey numbers.

8.In such view of the matter, we do not find any ground to interfere with the orders passed by the respondents 3 to 5. The Writ Petitions are devoid of merits and the same are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// 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 District Collector,
Madurai District, Madurai.
- 2.The District Revenue Officer,
Madurai District, Madurai.
- 3.The Tahsildar,
Melur Taluk,
Kottampatti, Madurai District.
- 4.The Block Development Officer,
Kottampatti Panchayat Union,
Kottampatti, Madurai District.
- 5.The President,
Kottampatti Village Panchayat,
Kottampatti Panchayat Union,
Kottampatti, Madurai District.

+1 CC to M/s.SPL.GP (SR-31980[F] dated 11/10/2021)

**W. P (MD) Nos.18482, 18483, 18484,
18485 & 18486 of 2021
08.10.2021**