



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD) Nos.18932 to 18936 of 2021

and

W.M.P (MD) Nos.15753, 15757, 15759, 15770 and 15771 of 2021

W.P (MD) No.18932 of 2021:

Sundara Mahalingam

... Petitioner

Vs

1.The Commissioner,
Commissionerate of Land Administration,
Chepauk,
Chennai - 5.

2.The District Collector,
Madurai District,
Madurai.

3.The District Revenue Officer,
Madurai District,
Madurai.

4.The Tahsildar,
Melur Taluk,
Madurai District.

5.The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.

6.The President,
Kottampatty Village Panchayat,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the sixth respondent in Oo Ma Ka No.1/2020, dated 27.09.2021 and quash the same as



illegal and consequently, direct the second respondent to issue patta to him by re-classifying his possessed lands and its extent of 0.00.92 sq. mtrs., situated in Survey No.264/12B2 of Kottampatty Village, Melur Taluk, Madurai District, according to law.

For Petitioner : Mr.Na.Palaniyandi
For Respondents : Mr.P.Thilak Kumar
Government Pleader

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W.P(MD)No.18933 of 2021:

Murugesan

... Petitioner

Vs

1.The Commissioner,
Commissionerate of Land Administration,
Chepauk,
Chennai - 5.

2.The District Collector,
Madurai District,
Madurai.

3.The District Revenue Officer,
Madurai District,
Madurai.

4.The Tahsildar,
Melur Taluk,
Madurai District.

5.The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.

6.The President,
Kottampatty Village Panchayat,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the sixth respondent in Oo.Ma.Ka.No.1/2020, dated 27.09.2021 and quash the same as illegal and consequently, direct the second respondent to issue patta to him by re-classifying his possessed lands and its extent of



0.00.92 sq. mtrs., situated in Survey No.264/12B2 of Kottampatty Village, Melur Taluk, Madurai District, according to law.

For Petitioner : Mr.Na.Palaniyandi
For Respondents : Mr.P.Thilak Kumar
Government Pleader

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W.P(MD)No.18934 of 2021:

Kamila

... Petitioner

Vs

- 1.The Commissioner,
Commissionerate of Land Administration,
Chepauk,
Chennai - 5.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The District Revenue Officer,
Madurai District,
Madurai.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.
- 5.The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.
- 6.The President,
Kottampatty Village Panchayat,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the sixth respondent in Oo.Ma.Ka.No.1/2020, dated 27.09.2021 and quash the same as illegal and consequently, direct the second respondent to issue patta to her by re-classifying her possessed lands and its extent of 0.00.40 sq. mtrs., situated in Survey No.264/12B2 of Kottampatty Village, Melur Taluk, Madurai District, according to law.



For Petitioner : Mr.Na.Palaniyandi
For Respondents : Mr.P.Thilak Kumar
Government Pleader

* * * * *

W.P.(MD) No.18935 of 2021:

Rajeswari

... Petitioner

Vs

1.The Commissioner,
Commissionerate of Land Administration,
Chepauk,
Chennai - 5.

2.The District Collector,
Madurai District,
Madurai.

3.The District Revenue Officer,
Madurai District,
Madurai.

4.The Tahsildar,
Melur Taluk,
Madurai District.

5.The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.

6.The President,
Kottampatty Village Panchayat,
Melur Taluk, Madurai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the sixth respondent in Oo.Ma.Ka.No.1/2020, dated 27.09.2021 and quash the same as illegal and consequently, direct the second respondent to issue patta to her by re-classifying her possessed lands and its extent of 0.00.24 sq. mtrs., situated in Survey No.264/12B2 of Kottampatty Village, Melur Taluk, Madurai District, according to law.

For Petitioner : Mr.Na.Palaniyandi
For Respondents : Mr.P.Thilak Kumar
Government Pleader



W.P.(MD) No.18936 of 2021:

N.Nagarajan

... Petitioner

Vs

WEB COPY

- 1.The Commissioner,
Commissionerate of Land Administration,
Chepauk,
Chennai - 5.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The District Revenue Officer,
Madurai District,
Madurai.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.
- 5.The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.
- 6.The President,
Kottampatty Village Panchayat,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the sixth respondent in Oo.Ma.Ka.No.1/2020, dated 27.09.2021 and quash the same as illegal and consequently, direct the second respondent to issue patta to him by re-classifying his possessed lands and its extent of 0.00.64 sq. mtrs., situated in Survey No.264/12B2 of Kottampatty Village, Melur Taluk, Madurai District, according to law.

For Petitioner : Mr.Na.Palaniyandi
For Respondents : Mr.P.Thilak Kumar
Government Pleader

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COMMON ORDER

[Order of the Court was made by M.DURAISWAMY, J.]

The petitioners have filed the above writ petitions to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the sixth respondent, dated 27.09.2021 and to quash the same and consequently, to direct the second respondent to issue patta to them by re-classifying their possessed lands situated in Survey No.264/12B2 of Kottampatty Village, Melur Taluk, Madurai District, in accordance with law.

2.The sixth respondent, after taking into consideration the case of the petitioners, categorically held that the petitioners are encroachers in respect of the lands in question. In respect of the adjoining land, this Court, by order, dated 07.10.2021 in W.P(MD) No.18301 of 2021, declined to interfere with the order passed by the authority and dismissed the Writ Petition.

3.When the above writ petitions were taken up for hearing, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents submitted that the respondents 5 and 6 had already removed the encroachments and taken possession of the lands in dispute. Since the authorities have already removed the encroachments, we do not find any reason to interfere with the order passed by the sixth respondent.

4.Accordingly, the Writ Petitions are dismissed. However, in the event of the petitioners giving representations to the District Collector for rehabilitation, it is open to the second respondent-District Collector, to take a decision on the representations to be submitted by the petitioners in accordance with law. There will be no order as to costs. Consequently, W.M.P (MD)Nos.15753, 15757, 15759, 15770 and 15771 of 2021 are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM/MR

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 Commissioner,
Commissionerate of Land Administration,
Chepauk,
Chennai - 5.

2.The District Collector,
Madurai District,
Madurai.

3.The District Revenue Officer,
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Madurai.

4.The Tahsildar,
Melur Taluk,
Madurai District.

5.The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.

6.The President,
Kottampatty Village Panchayat,
Melur Taluk,
Madurai District.

+5 CC to M/s.NA.PALANIYANDI, Advocate (SR-32634,SR-32635,SR-32636,SR-32637,SR-32638[F] dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32584,SR-32838[F] dated 26/10/2021)

W.P. (MD) Nos.18932 to 18936 of 2021

and

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25.10.2021

_RD/UV(29.10.2021) 7P 13C