



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

WEB COPY

W.P(MD)Nos.20874 to 20880 of 2021

and

W.M.P (MD) Nos.17483, 17484, 17485, 17486, 17490,, 17493, 17495, 17497, 17487, 17488, 17489, 17491, 17492, 17494, 17496, 17499, 17502, 17498, 17500, 17501 of 2021

Palani	... Petitioner in WP(MD)No.20874/2021
Pandi	... Petitioner in WP(MD)No.20875/2021
Vijayakumar	... Petitioner in WP(MD)No.20876/2021
Natarajan	... Petitioner in WP(MD)No.20877/2021
Selvi	... Petitioner in WP(MD)No.20878/2021
Deivandran	... Petitioner in WP(MD)No.20879/2021
Vairapandi	... Petitioner in WP(MD)No.20880/2021

Vs.

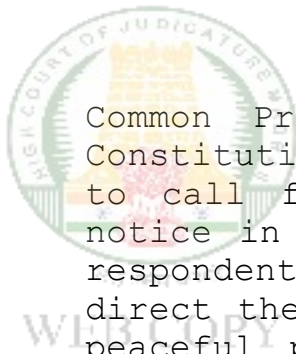
1.The District Collector,
Office of District Collector,
Madurai.

2.The Tahsildhar,
Office of Tahsildhar,
Usilampatti Taluk,
Madurai.

3.The Block Development Officer(Village Panchayat),
Usilampatti Panchayat Union,
Usilampatti, Madurai.

4.The President/Executive Officer,
Meikilarpatti Village Panchayat,
Usilampatti Panchayat Union,
Madurai District.

5.P.Dharmar ... Respondents in all cases



Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings/eviction notice in Na.Ka.No.8/2021/U dated 23.09.2021 issued by the fourth respondent herein and quash the same as illegal and consequently direct the third and fourth respondents herein not to disturb the peaceful possession of the petitioner in Natham Poromboke land comprised in S.F.No.107/1 and 137 of Meikilarpatti Village, Usilampatti, Madurai District and also direct the 1st and 2nd respondents to issue patta in favour of the petitioner considering his possession of 20 years based on the representation dated 05.07.2021.

For Petitioner : Mr.A.Mithun Chakaravarthi
(in all cases)
For R-1 to R-4 : Mr.P.Subbaraj,
Special Government Pleader
(in all cases)

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

These writ petitioners are the encroachers, who were removed pursuant to the action taken vide proceedings in Na.Ka.No.9/2021 Oo, dated 23.11.2021 referred to in W.P(MD)No.20582 of 2021.

2. The prayer in the writ petitions is for a Certiorarified Mandamus to call for the eviction notice in Na.Ka.No.8/2021/dated 23.09.2021. As early as on 23.09.2021, notice of eviction was issued to the writ petitioners calling upon them to vacate within fifteen days. But the writ petitions were filed by them only on 19.11.2021. When the above writ petitions were posted today, it was stated that the eviction was already over and writ petitioners were removed from the above sites where they encroached upon. As the eviction is done by due process of law, the writ petitions have to be closed.

3. The learned counsel for the writ petitioners submitted that the writ petitioners have been living in the subject place for a long time and they have applied for grant of patta before the Tahsildar concerned. If that is so, it is open to them to approach the Tahsildar and if they are otherwise entitled for patta, the same may be considered.

4. As stated earlier, since the petitioners were already evicted from the encroached upon portions, nothing survives for adjudication and the writ petitions are dismissed as infructuous.



No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 - 625 020.
- 2.The Tahsildar,
Usilampatti Taluk, Usilampatti,
Madurai District.
- 3.The Block Development Officer(Village Panchayat),
Usilampatti,
Madurai District.
- 4.The President,
Mekilarpatti Panchayat,
Mekilarpatti Post,Usilampatti Panchayat Union,
Madurai District.

+1 CC to M/s.SPL GP (SR-35894[F] dated 25/11/2021)

W.P(MD)Nos.20874 to 20880 of 2021

24.11.2021

SRK(CO)

SB(07.12.2021) 3P 6C