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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.Nos.3926 & 3928 of 2022
and
W.M.P. Nos.4075 to 4078 of 2022

Manivannan ...Petitioner in W.P. No.3926 of 2022
Rengasamy ...Petitioner in W.P. No.3928 of 2022

VS

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Chennai - 600 009.
2. The District Collector,
Ariyalur District,
Ariyalur.
3. The Tasildar,
Ariyalur District,
Ariyalur.
4. The Divisional Engineer (Highway),
Construction and Maintenance,
Ariyalur.
5. Assistant Divisional Engineer (Highway),
Construction and Maintenance,
Ariyalur.
6. The President,
Eruthukkaranpatti Village,
Ariyalur District.
...Respondents in W.P. No.3926 of 2022

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Chennai - 600 009.

2. The District Collector,
Ariyalur District,
Ariyalur.



3. The Tasildar,
Ariyalur District,
Ariyalur.

4. The President,
Eruthukkaranpatti Village,
Ariyalur District.

...Respondents in W.P. No.3928 of 2022

Prayer in both the petitions: Petitions filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records of 6th and 4th respondents impugned order in Oo.Ka.Nos.022/021/2021-22 dated 19.01.2022 and quash the same consequently forbearing the respondents from evicting the petitioners except under due process of law.

For Petitioners: Mr.P.Naveen Prakash

For Respondents: Mr.A.Selvendran,
Special Government Pleader
for R1 to R3 in both petitions

Mr.E.Veda Bagath Singh,
Special Government Pleader
for R6 in W.P. No.3926 of 2022
and R4 in W.P. No.3928 of 2022

COMMON ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioners have come to this Court challenging the impugned order in Oo.Ka.Nos.022/021/2021-22 dated 19.01.2022 passed by the President, Eruthukkaranpatti Village, Ariyalur District, in which they were given 15 days' time to remove the encroachment put up in S.No.118, situated at Eruthukaranpatti Panchayat, Ariyalur District and consequently forbearing the respondents from evicting them except under due process of law.

2.Learned counsel appearing for the petitioners submitted that the petitioners are residing in the land, situated at Survey No.118, No.1/132, Mariyamman Koil Street, Eruthukkaranpatti Village, Ariyalur Taluk, Ariyalur, by putting upon roofed house and occupying 00090 and 00058 sq.ft. respectively for the past 40 years and the same are situated abutting the Highways, which run from Ariyalur to Tittakudi. Learned counsel appearing for the petitioners further submitted that the said property, which was a poramboke land, have been used by the petitioners as residence and small scale unit. However, the first respondent and the Village Panchayat have given consent for running a small scale unit in the said land. When the house tax was refused by the President, Eruthukkaranpatti



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Village, Ariyalur District, the petitioners have made a representation to receive the same. But there was no response. While so, the impugned notices have been issued by him without giving any sufficient time to explain about their grievance, although the petitioners are paying water tax and other charges for the said property.

3. Learned Special Government Pleader appearing for respondents 1 to 3, placing on record a letter dated 26.02.2022, addressed to him by the Tasildar, Ariyalur District, submitted that the land covered in S.No.118, situated at Eruthukkarapatti Village, Ariyalur Taluk, Ariyalur is only a pathway/cart track. Therefore, when the petitioner has been obstructing the pathway/cart track, the same would definitely cause nuisance to other people.

4. At this stage, when a question was posed to the learned counsel for the petitioner as to whether house tax receipts are being filed, in reply, learned counsel appearing for the petitioners brought to our notice a tax receipt dated 07.12.1999, in which, only some other Survey Number has been mentioned. When the above letter dated 26.02.2022 addressed by the Tasildar, Ariyalur District shows that the land covered in S.No.118, situated at Eruthukkarapatti Village, Ariyalur Taluk, Ariyalur is only a pathway/cart track and the petitioners have been obstructing the same, they cannot be permitted to continue in the said pathway/cart track. Therefore, in our considered view, since the impugned notices have been rightly issued to the petitioners, we are not inclined to interfere with the same. Accordingly, the writ petitions stand dismissed. Consequently, connected W.M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Chennai - 600 009.

2. The District Collector,
Ariyalur District,
Ariyalur.



3. The Tasildar,
Ariyalur District,
Ariyalur.

4. The Divisional Engineer (Highway),
Construction and Maintenance,
Ariyalur.

5. Assistant Divisional Engineer (Highway),
Construction and Maintenance,
Ariyalur.

6. The President,
Eruthukkaranpatti Village,
Ariyalur District.

+2cc to M/s.L.Kavitha, Advocate, S.R.No.13513, 13514

+1cc to the Government Pleader, S.R.No.13398

W.P.Nos.3926 & 3928 of 2022
and
W.M.P. Nos.4075 to 4078 of 2022

GSM(CO)
RGA(15/03/2022)