



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.6114 of 2022 and W.M.P. Nos.6202 & 6204 of 2022

1.S.Jayashanker

2.C.Ravikumar

3.C.Chitibabu

4.M.Subramani

... Petitioners

vs

1.The District Collector,
O/o.The Vellore Collector Office,
Vellore District.

2.District Revenue Officer,
O/o.District Revenue Office,
Vellore District,
Tiruppur-642 064.

3.Revenue Divisional Officer,
O/o.District Revenue Office,
Vellore District.

4.Tasildar,
O/o.Taluk Office,
Katpadi Taluk,
Vellore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents not to evict the petitioners from their premises situated in Survey Nos.990 & 991 in Ponnai Village, Gandhigrade, Katpadi Taluk, Vellore District and without following the due process of law.

For Petitioners : Mr.S.Kumaradevan

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader



ORDER

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

W.M.P. No.6202 of 2022

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This petition is filed under Rule 15 of New High Court Writ Rules 2021 by the petitioners to permit them to file a single writ petition jointly.

Since it is submitted by the learned counsel for the petitioners that separate Court fee has been paid by the petitioners for filing single writ petition, all the petitioners are residing in the same place, petitioners 1 to 3 are brothers and they are praying for the same relief, W.M.P. No.6202 of 2022 stands allowed.

W.P. No.6114 of 2022

The petitioners have come to this Court for issuance of a writ of mandamus under Article 226 of the Constitution of India, seeking a direction to the respondents not to evict them from their premises covered in Survey Nos.990 & 991, situated at Ponnai Village, Gandhigrade, Katpadi Taluk, Vellore District, without following the due process of law.

2.Learned counsel appearing for the petitioners submitted that the petitioners' ancestors are residing for the past several decades in Ponnai Village and more than 30 concrete houses were built in Survey Nos.990 and 991 in the said Village. However, after obtaining electricity connection and water supply and regularly paying property tax to the Panchayat periodically from 1987, the petitioners and other neighbouring people have been residing in the said Village. Since some of the people forced the petitioners to vacate the premises by assigning reason that the land belongs to Government, the petitioners approached the first respondent to take appropriate action and make necessary arrangements for issuance of new patta in their name. As the respondents have not taken any step to issue patta in their favour, the petitioners are before this Court.

3.Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents, placing on record a written instruction dated 17.03.2022, addressed to him by the Tahsildar, Katpadi, the fourth respondent herein, submitted that no doubt, the petitioners are residing in the same place for more than a decade, but, as apprehended by them, till date no action has been taken under the Land Encroachment Act for removing them from the present place. As they are houseless people, without providing any alternative accommodation, the petitioners would not be evicted.



4. Recording the submission made by the learned Special Government Pleader appearing for the respondents, this writ petition stands disposed of. No costs. Consequently, W.M.P. No.6204 of 2022 stands closed.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga
To

1.The District Collector,
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Vellore District.

2.District Revenue Officer,
O/o.District Revenue Office,
Vellore District,
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3.Revenue Divisional Officer,
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Vellore District.

4.Tasildar,
O/o.Taluk Office,
Katpadi Taluk,
Vellore District.

+1 cc to Mr.S.Kumaradevan, Advocate Sr.NO. 18388

+1 cc to Government Pleader Sr.NO. 18765

W.P.No.6114 of 2022 and W.M.P. Nos.6202 & 6204 of 2022

MT(CO)

A.SK(22/04/2022)