



W.P.Nos.29114 & 29447 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.Nos.29114 & 29447 of 2014

and

M.P.Nos.1 & 1 of 2014

1.T.M.Lucia Mary

... Petitioner
in W.P.No.29114 of 2014

2.K.Ramesh

... Petitioner
in W.P.No.29447 of 2014

Vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Madhuranthagam Taluk,
Madhuranthagam,
Kancheepuram District.

... Respondents in both W.Ps

Prayer in W.P.No.29114 of 2014: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents not to initiate the eviction proceedings against the petitioner



W.P.Nos.29114 & 29447 of 2014

in respect of a piece of land in S.No.480/3 which is in her occupation except due process of law.

Prayer in W.P.No.29447 of 2014: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents from initiating the eviction proceedings against the petitioner in respect of a 29 cents of land in S.No.475/2A in Budur Village, Esoor Post, Madhuranthagam Taluk, Kancheepuram District which is in petitioner's occupation except due process of law.

In W.P.No.29114 of 2014

For Petitioner : No appearance

For Respondents : Mr.N.Naveen Kumar
Government Advocate

In W.P.No.29447 of 2014

For Petitioner : Mr.K.Suresh
for Mr.S.Srinivasan

For Respondents : Mr.N.Naveen Kumar
Government Advocate

COMMON ORDER

In W.P.No.29114 of 2014, there is no representation on behalf of the petitioner.



W.P.Nos.29114 & 29447 of 2014

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2. Writ Petition in W.P.No.29114 of 2014 has been filed for a Mandamus, to direct the respondents not to initiate the eviction proceedings against the petitioner in respect of a piece of land in S.No.480/3 which is in her occupation except due process of law.

3. Writ Petition in W.P.No.29447 of 2014 has been filed for a Mandamus, to forbear the respondents from initiating the eviction proceedings against the petitioner in respect of a 29 cents of land in S.No.475/2A in Budur Village, Esoor Post, Madhuranthagam Taluk, Kancheepuram District which is in petitioner's occupation except due process of law.

4. The case of the petitioners is that the petitioners are in possession of the property/land which has been classified as Meikkal Poramboke Land and the petitioners and their family have been in occupation over a period of forty years. It is submitted that similarly placed persons, like the petitioners were issued with eviction notices which came to be challenged in W.P.Nos.9635 & 9636 of 2010, wherein,



W.P.Nos.29114 & 29447 of 2014

an interim order was passed by this Court on 30.04.2010 and finally the writ petitions were disposed by this Court on 08.12.2014. It is further submitted that the petitioners are entitled for Patta in terms of G.O.Ms.No.854, Revenue LD 1(2) Department dated 30.12.2006 and the subsequent regularization as per G.O(2D).No.711, Revenue LD 1(2) Department dated 30.11.2007. Therefore, it is submitted that the petitioners are entitled for similar protection as in the case of the petitioners in W.P.Nos.9635 & 9636 of 2010. No counter has been filed by the respondents till date.

5. Be that as it may, since there is a final order of the Hon'ble Division Bench of this Court in W.P.Nos.9635 & 9636 of 2010 on 08.12.2014, I am inclined to dispose of this writ petition by directing the respondents to consider the representations and pass appropriate orders on merits and in accordance with law in terms of the decision of the Hon'ble Division Bench of this Court dated 08.12.2014 in W.P.Nos.9635 & 9636 of 2010. The relevant portion of the order is extracted hereunder:-



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W.P.Nos.29114 & 29447 of 2014

"The petitions are predicated on a plea that the petitioners are entitled to get pattas from the State Government in respect of the Government poramboke land occupied by them, in view of G.O.Ms.No.854, Revenue Department, dated 30.12.2006. They are, thus, aggrieved by the eviction notices issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 10.4.2010.

2.Notices were issued in the petitions and interim stay was granted, which is continued over the last more than four years.

3.On hearing the learned Counsel for parties, we are inclined to dispose of the petitions with a direction to the respondents 1 and 2 to examine the case of the petitioners whether they are eligible for the benefit under the G.O. aforesaid. If they are eligible, naturally, they would be entitled to the issuance of patta. If they are not eligible, then proceedings in accordance with the aforesaid Act, would be taken and naturally, the aggrieved parties would have the legal remedy under the said Act.

4.The writ petitions accordingly stand disposed of. No costs. Consequently, interim orders granted, stand vacated in the terms aforesaid and connected MPs are closed."

Pending such exercise, the petitioners possession shall not be disturbed.



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W.P.Nos.29114 & 29447 of 2014

C.SARAVANAN, J.

arb

6. These Writ Petitions stand disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.10.2022

Index : Yes/ No
Speaking/Non-Speaking Order

arb

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Madhuranthagam Taluk,
Madhuranthagam,
Kancheepuram District.

W.P.Nos.29114 & 29447 of 2014