



W.P(MD)Nos.13624 to 13629 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.13624 to 13629 of 2013

and

M.P(MD)Nos.1, 1, 1, 1, 1, 1, 2, 2, 2, 2, 2 & 2 of 2013

In W.P(MD)No.13624 of 2013

P.Mokkaraj

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti Revenue Division,
Usilampatti,
Madurai District.
- 3.The Special Tahsildar (ADW),
Usilampatti Taluk,
Usilampatti,
Madurai District.
- 4.A.Perumal
- 5.P.Perumal
- 6.M.Singaraj
- 7.A.Chinnan



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8.P.Muthanan

9.P.Periyakaruppan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of cancellation of patta issued by him in his proceedings Na.Ka.No.2833/2013 A4, dated 21.06.2013 and quash the same and consequently direct the respondents either to mark the boundaries and issue patta for the land assigned to the petitioner in Survey No.270/3, Plot No.31 in Peyampatti Village.

For Petitioner : M/s.G.Thalaimutharasu

For R-1 to R-3 : M/s.M.Lingadurai
Special Government Pleader

For R-4 to R-9 : No appearance

COMMON ORDER

These Writ Petitions have been filed challenging an order passed by the second respondent herein, under which, the order of assignment granted in favour of the writ petitioners were cancelled, on the ground



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that the said plots are in encroachment of six private parties and removal of the said encroachment will result in law and order problem.

2. According to the learned Counsel for the petitioner, after the authorities have found, that the petitioners are eligible for grant of assignment, an order of assignment has been granted in their favour. However, later they found that some encroachments have been made by six persons of the same Village. It is for the Government to evict the said encroachments and hand over the vacant possession to the writ petitioners. The order of assignment cannot be cancelled for, no fault on the part of the assignees. Hence, he prayed for allowing the writ petition.

3. Per contra, the learned Special Government Pleader, on instructions, submits that out of the six assignees, except the third assignee by name, Sumitra, wife of Kumar, all other assignees would be eligible for an order of assignment. He further submits that in view of the law and order situation, except Sumitra, all other assignees could be allotted an alternative plot in Veppanoothu Village, Survey Nos.270/3B and 3C, as per the report of the third respondent and the Village



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Administrative Officer of Veppanoothu Village, Usilampatti Taluk. The said written instructions are recorded. The official respondents are directed to provide alternative housing site to the writ petitioners in W.P(MD)Nos.13624, 13625, 13627, 13628 and 13629 of 2013. As far as, writ petition in W.P(MD)No.13626 of 2013, it could be seen from the report of the third respondent, that the petitioner's husband is working in army and hence, she is not entitled for grant of free assignment.

4. The report of the third respondent, dated 28.09.2022 and the report of the Village Administrative Officer, dated 26.09.2022, which are taken on record. The writ petitioners except Sumitra are directed to approach the concerned officers for allotment of alternative housing site along with a copy of this order. The said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.



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5. In view of the above said facts, W.P(MD)No.13626 of 2013 is dismissed. All other writ petitions stand disposed of, with the above said observations. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

18.10.2022

Index : Yes / No
Internet : Yes / No
btr

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)Nos.13624 to 13629 of 2013

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