



W.P(MD)No.15692 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.15692 of 2020

Mrs.Thangarethinam

... Petitioner

vs.

1. The District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli-627009.

2. The District Revenue Officer,
Nanguneri,
Cheranmahadevi Revenue Taluk,
Tirunelveli District.

3. The Special Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take necessary steps to remove the



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encroachment comprised in Survey Nos.2544/1C1, 2544/1C2, 2546/1B, 2547/3, 2548/1B2B situated at Perungudi Village, Radhapuram Taluk, Tirunelveli District for an extent of 79 cents of land which is allotted for common public purpose based on the petitioner's representation dated 27.07.2020 within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.G.Anto Prince
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take necessary steps to remove the encroachment comprised in Survey Nos.2544/1C1, 2544/1C2, 2546/1B, 2547/3, 2548/1B2B situated at Perungudi Village, Radhapuram Taluk, Tirunelveli District, for an extent of 79 cents of land which is allotted for common public purpose, based on the petitioner's representation dated 27.07.2020 within a time frame.



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2. According to the petitioner, the Nanguneri Adi Dravidar and Tribal Welfare Department had issued pattas to 35 persons who belong to Adi Dravidar community at free of cost comprised in the aforesaid survey numbers, in which, he is one of the beneficiaries. Apart from the aforesaid free house site pattas issued by the Government, the Government has reserved a separate portion for public purpose, but the said place is encroached upon by some persons and they are trying to construct buildings and they have also encroached upon a public pathway which is an access to reach the aforesaid free house site patta lands. Hence, the petitioner has filed this writ petition for the aforesaid relief.

3. Learned counsel for the petitioner would submit that the petitioner made a specific objection stating that some of the persons have misused the allotted lands for public purposes and therefore, they are not entitled for grant of free house site pattas. In this



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regard, the petitioner's community people also made a representation dated 27.07.2020, to the respondents, but there is no response till date.

4. Learned Special Government Pleader appearing for the respondent submitted that free house site pattas were originally granted in favour of 35 persons and now the applications of the remaining persons for free house site patta is under consideration, for which, the petitioner's villagers have objection.

5. In view of the above submissions, we direct the 3rd respondent to consider the objection of the petitioner's villagers through their representation dated 27.07.2020 and to pass appropriate orders after providing opportunity of hearing to all the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, the Writ Petition is disposed of.

No costs.

[D.K.K.,J.] & [R.V.,J.]
14.12.2022

Index : Yes / No
Internet : Yes
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and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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