

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19585 of 2022

and

W.M.P.(MD).Nos.14297 and 14299 of 2022

1.Periyamayan

2.P.Meenakshi

3.O.Selvi

4.S.Selvi

5.M.Karupayee

6.Ammapulla

... Petitioners

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Industries,
Fort St George,
Chennai – 09.

2.The District Collector,
Madurai District,
Madurai.

- 3.The Director (Geology and Mining),
O/o. The Assistant Director,
Geology and Mining,
Madurai,
Madurai District.
- 4.The Assistant Director (Geology and Mining),
O/o. The Assistant Director,
Geology and Mining,
Madurai,
Madurai District.
- 5.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Usilampatti,
Madurai District.
- 6.The Tahsildar,
O/o. The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 7.The Village Administrative Officer,
Panammoonpanpatti Village,
Usilampatti Taluk,
Madurai District.
- 8.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 9.The Inspector of Police,
Vickramangalam Police Station,
Vickramangalam,
Usilampatti Taluk,
Madurai District.

10.B.Shakthi

11.B.Thiravium

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No.6895/2017/J1 dated 17.02.2022 on the file of the second respondent and quash the same as illegal and consequently forbearing the Respondent Nos.2 to 11 from disturbing the peaceful possession of the petitioners in Survey No.132/4, 132/5, 132/6, 132/7, 132/8, 132/9 in Pannnamuppanpatti Village, Usilampatti Taluk, Madurai District without following the due process of law within the time frame stipulated by this Court.

For Petitioners : Mr.M.Mahaboob Fazil

For R-1, R-2
and R-5 to R-9 : Mr.G.Siva Raja,
Government Advocate.

For R-3 and R-4 : Mr.P.Thilak Kumar,
Government Advocate.

For R-10 and R-11: Mr.Ram Sundar Vijayaraj

ORDER

Heard the learned counsels on either side.

2. The writ petitioners were originally granted assignment in the petition mentioned survey numbers. By the impugned order, the orders of assignment were cancelled. The primary ground on which the cancellation order rests is that the petition mentioned survey numbers were originally quarry sites. It is seen from the materials enclosed in the typed set of papers that quarry license has been issued in respect of petition mentioned lands right from the year 1997 onwards. When the assignment orders were passed, this aspect was not at all taken into account. That is why, the assignment came to be cancelled. The reason for cancellation is very much justifiable. Hence, interference is not warranted. However while doing so, the first respondent had taken care to ensure that the assignees are granted lands in the very same Village.

3. When the matter was taken up first for admission, I called upon the Government counsel to inform the Court as to where the assignees would be given their alternate lands. Today, when the matter was taken up for hearing, a

copy of the communication sent by the Tahsildar, Usilampatti to the Revenue Divisional Officer, Usilampatti on 01.09.2022 has been produced. It is obvious that even though 7 persons were given assignment, six of them belonged to one family. It is also seen that Selvi, Wife of Ocha Kaalai, happens to be physically challenged person. Therefore, the assignments are proposed to be given to Karupayeei and Selvi in Survey No.123/2E for extent of 0.92.5 Ares. It is stated that assignment process will be completed within a period of four (4) weeks from today. Since the impugned order insofar as it is in favour of the assignees is to be effectuated very shortly, I do not propose to interfere.

4. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2022

Index : Yes / No
Internet : Yes/ No
Nsr

Issue Order today (14.09.2022)

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of Industries,
Fort St George, Chennai – 09.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Director (Geology and Mining),
O/o. The Assistant Director,
Geology and Mining,
Madurai, Madurai District.
- 4.The Assistant Director (Geology and Mining),
O/o. The Assistant Director,
Geology and Mining,
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- 5.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Usilampatti, Madurai District.
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O/o. The Tahsildar,
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Panammoopanpatti Village,
Usilampatti Taluk, Madurai District.
- 8.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 9.The Inspector of Police,

Vickramangalam Police Station,
Vickramangalam,
Usilampatti Taluk, Madurai District.

G.R.SWAMINATHAN, J.

Nsr

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