



W.P.(MD) No.24138 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.24138 of 2022

and

W.M.P.(MD)Nos.18244 &18245 of 2022

1.P.Krishnan

2.S.Pulukandy

3.K.Sudamany

4.Ramar

5.P.Subramani

6.P.Marimuthu

7.K.Selvam

8.Ramalakshmi

... Petitioners

-Vs-

1.The Secretary to Government,
Public Works Department,
Secretariat, St.George Fort,
Chennai.

Page 1 of 8



W.P.(MD) No.24138 of 2022

WEB COPY

2.The Commissioner,

Revenue Administration,
Chepauk, Chennai.

3.The District Collector,

Virudhunagar District, Virudhunagar.

4.The Tahsildar,

Rajapalayam Taluk,
Virudhunagar District.

5.The Commissioner,

Rajapalayam Municipality,
Virudhunagar District.

6.The Assistants Executive Engineer,

Water Resource Organization,
Public Works Department,
Rajapalayam, Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in Na.Ka.No.Aa4/2353/2017, dated

Page 2 of 8



W.P.(MD) No.24138 of 2022

04.08.2022 and quash the same as illegal and consequently accordingly as per the procedure established by the law.

For Petitioners : Mr.M.Muniasamy
For R1 to R4 : Mr.G.V.Vairam Santhosh,
& R6 Additional Government Pleader
For R5 : Mr.N.Dilip Kumar,
Standing Counsel

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The order of the 4th respondent dated 04.08.2022 made in Na.Ka.No.Aa4/2353/2017, recording that the petitioners are not entitled to have free patta, since they are having some properties in their names in the respective villages, is under challenge in this Writ Petition.

2.The grievance of the petitioners is that the impugned order came to be passed without issuing any notice to the petitioners to putforth their cases and therefore, the same is liable to be set aside on the ground of violation of principles of natural justice.

Page 3 of 8



W.P.(MD) No.24138 of 2022

WEB COPY

3.Today, when the matter was taken up for hearing, the learned Additional Government Pleader for the respondents 1 to 4 and 6 has filed counter affidavit, pointing out the financial status of the petitioners, which is extracted hereunder:-

Sl.No	Name	Details	Remarks
4.	Krishnan, S/o Ponnusamy, 80.E, Chinnakarampatti Street (Petitioner No.1)	The petitioner is not residing in the address	Recommended for rejection.
7.	Pulugandi, S/o Sabarimalai 80B5, Chinnakaraampatti Street. (Petitioner No. 2)	Enquiry reveals that the petitioner has got own house in Maruthu Nagar	Recommended for rejection.
1.	Soodamani, S/o Karuthapandian 80B5A2, Chinnakarayampatt Street.(Petitioner No.3)	The petitioner is not residing the address. Enquiry reveals that the petitioner is residing in Coimbatore.	Recommended for rejection.



W.P.(MD) No.24138 of 2022

11.	Ramar, S/oPitchaiya Thevar 86/80 Chinnakarayampatt Street (Petitioner No.4)	The petitioner is running Dog Pannai.	Recommended for rejection.
21.	Subramani, S/o Ponnaiah Thevar (Petitioner No.5)	The petitioner is not residing in the address	Recommended for rejection.
8.	Marimuthu, S/o Pitchaiya Thevar, 70/7, Chinnakarayampatti Street (Petitioner No.6)	Mother of the petitioner is employed Sathunavu Amaipalar. The petitioner has got share in the own house which undivided	Recommended for rejection,
20.	Selvam, S/o Krishna Thevar, 80B Chinna Suraikapatti Street (Petitioner No.7)	The petitioner is not residing in the address	Recommended for rejection.
9.	Ramalskshmi, W/o Velusamy, 70/7 Chinna Suraikapatti Street (Petitioner No.8)	Enquiry reveals that the petitioner owns a house site in Maruthu Nagar	Recommended for rejection.

4.Considering the fact that the impugned order came to be passed without giving any opportunity to the petitioners herein, this Court, without



W.P.(MD) No.24138 of 2022

going into the merits of the case, directs the authorities concerned to consider the claim of the petitioners, within a period of four weeks from the date of receipt of a copy of this order and after affording an opportunity of hearing, if the authorities concerned decide that the petitioners are not entitled for free patta, appropriate action for removal of encroachment in the place in question would be taken within a period of twelve weeks thereafter by following due process of law.

5. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
22.11.2022
(2/2)

Index : Yes / No
Internet : Yes / No
Myr

To

1. The Secretary to Government,
Public Works Department,
Secretariat, St. George Fort,
Chennai.

Page 6 of 8



W.P.(MD) No.24138 of 2022

WEB COPY

- 2.The Commissioner,
Revenue Administration,
Chepauk, Chennai.
- 3.The District Collector,
Virudhunagar District, Virudhunagar.
- 4.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
- 5.The Assistants Executive Engineer,
Water Resource Organization,
Public Works Department,
Rajapalayam, Virudhunagar District.



WEB COPY



W.P.(MD) No.24138 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

Myr

W.P.(MD)No.24138 of 2022

22.11.2022

(2/2)