



W.P.(MD) No.21787 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21787 of 2022

and

W.M.P.(MD)No.15947 of 2022

1.V.Perumal

2.J.Bommiammal

3.M.Baskar

4.K.Kaliyammal

... Petitioners

Vs.

1.The Secretary,

Tamil Nadu Adi Dravidar Welfare Department,
Secretariat, St.George Fort, Chennai-9.

2.The District Collector,

Thoothukudi District, Thoothukudi.

3.The Special Tahsildar (Land Acquisition),

Adi Dravidar Welfare Scheme,
Kovilpattai, Thoothukudi District.

... Respondents



W.P.(MD) No.21787 of 2022

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents not to evict the petitioners 1 to 4 from their houses, which are constructed in patta land bearing Plot Nos.204, 457, 431, 336 respectively, situated at Survey Nos.479/1, 479/2, 481, 482/1 and 482/2, Pandavarmangalam Village, Kovilpatti Taluk, Thoothukudi District without following due process of law.

For Petitioners : Mr.S.Saravanan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

ORDER

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

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioners claim that Plot Nos.204, 457, 431 and 336 were allotted to the petitioners by the 3rd respondent way back in the years 1998, 1999, 2005 and 1998 respectively and patta was also granted to them. Thereafter, they constructed concrete houses in the allotted plots and have been living there. Now, the respondents want to demolish their houses citing the



W.P.(MD) No.21787 of 2022

order of this Court dated 07.04.2022 made in W.P.No.28428 of 2012, wherein the 3rd respondent has admitted that the petitioners 1 to 3 are legitimate beneficiaries and the 4th petitioner alone is an illegal occupier. Hence, the petitioners have approached this Court, seeking the aforesaid prayer.

4.Heard both sides and perused the materials available on record.

5.This Court by an order dated 07.04.2022 in W.P.No.28428 of 2012, has passed the following order:-

“8.This Court gave its anxious consideration to the submissions as also the report filed by the respondents, which clearly reveal that certain illegal encroachments have come up within the lands, which have been allotted to the original beneficiaries. In such circumstances, on the basis of the report filed by the Tahsildar, this Court directs the respondents to take necessary action against the illegal occupants with the co-ordination of the Rural Development Department and TANGEDCO and upon removing the illegal encroachers from such occupation in the manner known to law, thereafter, the respondents shall identify the original beneficiaries and allot the land to the original beneficiaries as per the revised layout. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.”



W.P.(MD) No.21787 of 2022

WEB COPY

6.It is true that this Court in the order (cited supra) directed the respondents to take necessary action against the illegal occupants with the co-ordination of the Rural Development Department and TANGEDCO and upon removing the illegal encroachers from such occupation in the manner known to law, the respondents shall identify the original beneficiaries and allot the land to the original beneficiaries as per the revised layout.

7.Since the 4th respondent is found to be the illegal occupier, it is for the authorities to proceed in the manner known to law for removal of unauthorized occupants, if any. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]

15.09.2022

(½)

Index : Yes / No

Internet : Yes / No

Myr



W.P.(MD) No.21787 of 2022

To

1.The Secretary,
Tamil Nadu Adi Dravidar Welfare Department,
Secretariat, St.George Fort, Chennai-9.

2.The District Collector,
Thoothukudi District, Thoothukudi.

3.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare Scheme,
Kovilpattai, Thoothukudi District.



WEB COPY



W.P.(MD) No.21787 of 2022

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

Myr

W.P.(MD)No.21787 of 2022

15.09.2022

(1/2)