



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



W.P.(MD) Nos.23461 to 23489 of 2015

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice passed by the 3rd respondent in Na.Ka.No.57/2008/AA, dated 27.11.2015 and quash the same.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader

COMMON ORDER

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

Challenging the notice dated 27.11.2015 issued by the 3rd respondent in Na.Ka.No.57/2008/AA, the petitioners have filed these Writ Petitions.

2.The case of the petitioners is that when they had approached the respondents seeking issuance of pattas in the year 2008, the respondents refused to receive the same on the ground that they constructed houses in Vandipathai Poramboke. In this regard, a panchayat meeting was held on 31.03.2008 to settle the issue, wherein, a resolution was passed and the 2nd respondent had also

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given no objection for granting pattas to the petitioners. Hence, the petitioners made representations to the 1st respondent, seeking issuance of pattas. However, till date, the same have not been considered. Hence, these Writ Petitions.

3.Heard the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents.

4.This Court, by an order dated 04.02.2014, in W.P.(MD)No.2974 of 2008, has passed the following order:-

“3.Learned counsel for the petitioner submitted that when the 2nd respondent, namely the Revenue Divisional Officer, Dindigul, in his Memorandum, dated 09.11.2007, has stated that at the time when the Thadicombu Town Panchayat takes action for removal of as many as 417 encroachments in Survey No.1753/1A1, such encroachments will be removed with the help of Revenue Authorities, the 3rd respondent, namely, the Tahsildar, Dindigul District, has filed a counter contrary to the Memorandum of the Revenue Divisional Officer, Dindigul, stating that encroachments are dwelling houses and as per the Government Order, pattas will be issued to the occupants.



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4. There seems to be inconsistency in the statements made by the Revenue Divisional Officer and the Tahsildar. In such circumstances, the 1st respondent, namely the District Collector, Dindigul District, is directed to look into the matter and take further action, in accordance with law. We make it clear that we are not expressing anything on the merits of the claim of the petitioner. The authorities are entitled either to grant pattas or to proceed to remove the encroachments, in accordance with law.”

5. Despite the said order to consider the claim of the petitioners on the basis of the resolution passed on 31.03.2008, till date, the authorities have not passed any orders, whereas, they issued the impugned eviction notices. According to the petitioners, their patta applications submitted on 19.11.2014 are pending consideration by the authorities.

6. In view of the above, without going into the merits of the case, we are inclined to direct the authorities concerned to consider and pass orders on the patta applications submitted by the petitioners dated 19.11.2014 as directed by this Court in W.P.(MD)No.2974 of 2008, dated 04.02.2014, on merits and in



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accordance with law and if there is any encroachment found in the place in question, the authorities shall remove the same, after giving sufficient opportunity to all the parties concerned and by following due process of law.

7.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] & [J.S.N.P., J.]
19.10.2022

Index : Yes / No

Internet : Yes / No

Myr

To

1.The District Collector,
Dindigul.

2.The President,
Thadikombu Town Panchayat,
Dindigul.

3.The Executive Officer,
Thadikombu Town Panchayat,
Dindigul.

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AND

J.SATHYA NARAYANA PRASAD, J.

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