



W.P(MD)No.24322 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.24322 of 2022

Valli

... Petitioner

VS.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai Division,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi Taluk,
Karaikudi.
- 4.The Village Administrative Officer,
Koothalur Block,
Karaikudi Taluk,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents not to take any illegal eviction without following due process of law



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prescribed under the Act and if really inclined to evict has to give proper notice and to act in accordance with law and its provisions.

For Petitioner : Mr.C.Venkatesh
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

2. The prayer made in this Writ Petition is to issue a Writ of Mandamus, to direct the respondents not to take any action for eviction against the petitioner, without following due process of law as prescribed under the Act.

3. It is the case of the petitioner that her husband has been allotted with free house site patta in respect of the land in Survey No.246/11 in the year 2013 by the third respondent. He along with his



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family members, has also been in possession and enjoyment of the neighbouring lands in Survey Nos.246/5 and 246/6 of Nethajipuram village, Poyyalur, Karaikudi Taluk, Sivagangai District, by putting up hut and doing plantations and cattle farms, for several years and by paying tax to the Panchayat. After his demise, the petitioner has maintained the said lands and made application on 09.02.2017 to the first respondent seeking patta for the same, but the said application is pending without any progress. While so, at the instigation of the opponents of the petitioner's family, the revenue officials frequently visited the petitioner's place and threatened her and family members to vacate the lands. Apprehending eviction proceedings, the petitioner has come up with this writ petition for the aforesaid prayer.

4. The learned counsel for the petitioner submitted that despite the pendency of the application seeking patta for the lands in S.Nos.246/5 and 246/6, the respondent authorities, without issuing any notice as prescribed under the Act, are attempting to evict the petitioner and her family members from the subject lands. Therefore, the learned counsel sought to protect the interest of the petitioner by granting appropriate relief.



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5. Denying the allegation so made by the petitioner, the learned Special Government Pleader taking notice for the respondents, fairly submitted that the respondent authorities would take action, after following due process of law.

6. Recording the above submission made by the learned Special Government Pleader appearing for the respondents, this court, without going into the merits of the claim made by the petitioner, directs the authority concerned to consider the application of the petitioner dated 09.02.2017 seeking patta, on merits, after affording due opportunity of hearing to the petitioner as well as any other interested parties, and thereafter, proceed further in the manner known to law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
20.10.2022

Index : Yes / No
Internet : Yes

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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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