



WP No .2888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 2888 of 2023
and
WMP.Nos.2995 and 2998 of 2023

1. R.Manikandan
2. Arumugam
3. Chinnadurai
4. Shanmugam
5. Krishnaveni
- 6.Indirani

.. Petitioners

Versus

1. The Member Secretary,
Tamil Nadu Scheduled Caste and
Scheduled Tribes Commission,
L.L.A.Building,
No.735, Anna Salai,
Chennai-2.
2. The District Collector,
Tiruvannamalai.
3. The Tahsildar,
Taluk Office,
Thandarampattu,
Tiruvannamalai District.
4. The Block Development Officer,
Thandarampattu Panchayat Union,



WP No .2888 of 2023

Thandarampattu,
Tiruvannamalai District.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records on the file of the 1st Respondent in petition No.1493/2022, dated 04.01.2023, and consequential communication issued by the 3rd Respondent in Na.Ka.No.A2/5110/2022 dated 05.01.2023 and quash the same.

For Petitioner : Mr.P.Kannan Kumar
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

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

Heard Mr. P. Kannan Kumar, learned counsel for the Petitioners and Mr. A. Selvendran, learned Special Government Pleader, who accepts notice on behalf of the Respondents.

2. The petitioners seek for issuing a Writ of Certiorari to call for the records on the file of the 1st respondent in Petition No.1493/2022 dated 04.01.2023 and consequential communication issued by the 3rd respondent in Na.Ka.No.A2/5110/2022 dated 05.01.2023 and quash the same.

3. According to the petitioners, they are residing in various parcels of lands, which are classified as *Natham Poromboke* in Keelvanakkambadi Village, Thandarampattu Taluk, Thiruvannamalai District where they have



WP No .2888 of 2023

constructed houses and residing for more than 40 years. It is stated that the petitioners are paying taxes to the authorities concerned besides they are enjoying electricity amenity. It is the grievance of the petitioners that they have submitted repeated representations to the 2nd Respondent to grant of patta in their favour, but it was not considered. While so, on the basis of complaints given by third parties before the first Respondent, the first respondent directed the respondents 3 and 4 to evict the petitioners and to file compliance report before 02.02.2023. On the basis of such direction, third and fourth respondents, without conducting any enquiry on such complaints, are attempting to evict the petitioners from their lands. When the attempt of the respondents 3 and 4 was resisted, the third respondent vide letter dated 05.01.2023 directed the 4th Respondent to evict the Petitioners on or before 18.01.2023. Aggrieved by the same, the present writ petition is filed by the petitioners.

4. The learned counsel for the Petitioners submitted that the lands in occupation of the Petitioners are not road poromboke but it is classified as Natham poromboke. The third and fourth respondents, without conducting any enquiry or verifying the records as to the nature of classification of the lands in occupation of the petitioners, have issued the impugned



WP No .2888 of 2023

communication. Thus, it is contended that the impugned communication has been issued in violation of principles of natural justice and therefore, the learned counsel for petitioners prayed for allowing the writ petition.

5. Considering the factual matrix of the case and without expressing any opinion on the merits, the petitioners are directed to file their objections before the third respondent to the communication dated 05.01.2023, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such objections, the third respondent is directed to afford an opportunity of hearing to the petitioners, consider their objection and then pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, status-quo shall be maintained by both parties.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D., J.] [M.S.Q., J.]
03.02.2023

Index : Yes / No
Internet : Yes / No
arr/rsh



WP No .2888 of 2023

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WP No .2888 of 2023

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WP No. 2888 of 2023

03.02.2023