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W.P.Nos.9075, 9584 and 9889 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM :

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

Writ Petition Nos. 9075, 9584 and 9889 of 2018
and
WMP.Nos.10918, 11499 and 11830 of 2018

P.Alagirisamy (died)

2. Balamirtham

3. Subiksha

4. Deivamanohari

(Petitioners 2 to 4 substituted as Legal heirs
of deceased sole petitioner vide order dated 05.04.2023
made in WMP.Nos.5450 and 5784 of 2023 in
WP.Nos.9584 and 9075 of 2018)

.. Petitioners in
WP.Nos.9075 and 9584 of 2018

Sakunthala

.. Petitioner in WP.No.9889 of 2018

Versus

1. State of Tamil Nadu,
Rep.by its Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, St.George Fort,
Chennai - 600 009.

2. The Commissioner,
Municipal Administration and
Water Supply Department,
Ezhilagam, Chennai.



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3. The District Collector,
Tiruppur District, Tiruppur.

4. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Dharapuram.

5. The Thasildar,
Dharapuram Taluk,
Tiruppur District.

6. The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur District.

.. Respondents in WP.No.9075 of 2018

The Commissioner,
Dharapuram Municipality,
Dharapuram,
Tiruppur District.

.. Respondent in WP.No.9584 of 2018

1. State of Tamil Nadu,
Rep.by its Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, St.George Fort,
Chennai - 600 009.

2. The District Collector,
Tiruppur District, Tiruppur.

3. The Tashildar,
Dharapuram Taluk,
Dharapuram, Tiruppur District.

4. The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur District.

.. Respondents in WP.No.9889 of 2018



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Prayer in WP.No.9075 of 2018:- This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue free house site patta to the petitioner/encroacher's house situated at Door No.58, Kottapulipalayam Road, Dharapuram Town of Tiruppur District or allot the above land to the petitioner by receiving the land value.

Prayer in WP.No.9584 of 2018: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of order in Na.Ka.No.3260/2016/F1 dated 05.04.2018 on the file of Respondent herein and quash the same and consequently directing the respondent not to disturb the petitioner's house at Door No.58, Kottapulipalayam Road, Dharapuram Town of Tiruppur District till the disposal of petitioner's representation for patta dated 25.01.2018.

Prayer in WP.No.9889 of 2018: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of order in Na.Ka.No.3260/2016/F1 dated 05.04.2018 on the file of fourth respondent herein and quash the same and consequently directing the respondents to grant patta to the petitioner's house at Door No.60/19, Kottapulipalayam Road, Dharapuram Town of Tiruppur District till the disposal of petitioner's representation for patta dated 25.01.2018.

For Petitioners : Mr.N.Ponraj in all cases

For Respondents : Mr.P.Srinivas in all cases

COMMON ORDER

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

The petitioner in both WP.Nos.9075 and 9584 of 2018 is one and the same. WP.No.9584 of 2018 has been filed to issue a writ of certiorarified mandamus, to call for the records in Na.Ka.No.3260/2016/F1 dated



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05.04.2018 on the file of the respondent herein and quash the same and consequently, direct the respondent not to disturb the petitioner's house at Door No.58, Kottapulipalayam Road, Dharapuram Town, Tiruppur District, till the disposal of his representation for patta dated 25.01.2018, whereas the relief sought in WP.No.9075 of 2018 is to issue a writ of mandamus, directing the respondents to issue free house site patta to the petitioner's house situated at Door No.58, Kottapulipalayam Road, Dharapuram Town, Tiruppur District or allot the above land to the petitioner by receiving the land value.

The prayer made in WP.No.9889 of 2018 is to issue a writ of certiorarified mandamus, to call for the records in Na.Ka.No.3260/2016/F1 dated 05.04.2018 on the file of the respondent herein and quash the same and consequently, direct the respondent not to disturb the petitioner's house at Door No.60/19, Kottapulipalayam Road, Dharapuram Town, Tiruppur District, till the disposal of her representation dated 25.01.2018 seeking patta.

2.According to the petitioners, they have been living in the subject houses for more than 60 years, by paying all the taxes and charges, including house tax, water tax, electricity charges, etc. It is further stated that there is a 60 feet road viz., Kottapulipalayam Road in front of their houses, and a cement drainage running abutting their houses. Since the petitioners' houses are in line



with the patta houses and they have been in possession and enjoyment of the same for a long period, they approached the respondent authorities and requested to issue patta in their favour. While so, one Karunakaran gave a false complaint to the third respondent that the houses of the petitioners and others situated on the municipal land, are causing hindrance to the traffic as well as general public. Though the said complaint was rejected by the sixth respondent, the District Revenue Officer allowed the same and passed an order dated 11.11.2016 directing the petitioners to remove their houses, without conducting any enquiry and providing any opportunity to them. Feeling aggrieved, the petitioners preferred WP.Nos.40647 and 40245 of 2016, which were disposed of by granting liberty to the petitioners to work out their remedy for getting patta or compensation and further direction to measure the Kottapulipalayam Road. Pursuant to the said order, the petitioners submitted representations dated 25.01.2018 seeking patta as well as compensation, which are pending, without any progress. While so, the sixth respondent has taken steps to demolish the houses of the petitioners. Therefore, the present writ petitions.

3.Heard the learned counsel appearing for all the parties and perused the materials available on record.



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4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing for all the parties, this court, without going into the merits of the case, directs the respondent authorities to consider the petitioners' representations dated 25.01.2018, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the possession of the petitioners need not be disturbed.

5.With the above directions, all these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

05.04.2023

Index : Yes / No
Internet : Yes / No
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To

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Municipal Administration and
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