



W.P.No.14883 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

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

Writ Petition No.14883 of 2018
and
WMP. Nos. 17606 to 17608 of 2018

1. Ammasi
2. Andiappan
3. Arumugham
4. Venkatesan
5. Kuppan
6. Kannan
7. Chandrasekar
8. Lakshmi
9. Arulraj
10. Velmurugan
11. Raja
12. Manikandan
13. Chitra
14. Sivakumar
15. Mahendran
16. Uma
17. Vadivel
18. Karthikeyan
19. Elaiyaraja
20. Sudha
21. Prabhakaran
22. Pushpalingam

.. Petitioners

Versus



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1. The Government of Tamil Nadu,
Rep.by its Secretary,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Office of the Collectorate,
Villupuram District.
3. The Block Development Officer,
Ulundurpet, Villupuram District.
4. The Revenue Tahsildar,
Ulundurpet, Villupuram District.
5. The Village Administrative Officer,
Kanaiyar Village, Ulundurpet.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Block Development Officer, Ulundurpet the third respondent herein culminating in Na.Ka.No.A2/3314/2015 dated 18.05.2018 and quash the same and further direct the respondents not to take any coercive steps in evicting the petitioners from their respective land and houses in Survey No.138, 139 in Kanaiyar Village Lake, Ulundurpet Union, Villupuram District.

For Petitioners : Mr. K. Balakrishnan

For Respondents : Mr. A.Selvendran
Special Government Pleader

ORDER

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

This writ petition has been filed by the petitioners seeking to quash the order dated 18.05.2018 passed by the third respondent and to direct the respondents not to take any coercive steps in evicting the petitioners from their



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respective land and houses in Survey Nos.138, 139 in Kanaiyar Village Lake,
Ulundurpet Union, Villupuram District.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioners are in occupation of the lands comprised in Survey Nos. 138 and 139 measuring a total extent of 2 acres each from the year 1982. According to the petitioners, the aforesaid lands are classified as Poromboke in the revenue records viz., "local bund rund" and it is not a water body. It is further stated that these lands are unfit for undertaking any cultivation or to dug well. While so, the petitioners have constructed a small hut and are residing there along with their families. It is further stated that the petitioners are paying land tax to the Village Administrative Officer, Kannaiyar, the fifth respondent herein continuously without any default. Further, the petitioners have obtained electricity service connection, family card, voter identity card and Aadhar card in the above address. It is also stated that as per the directions of this Court, the Government of Tamil Nadu constituted a committee to decide the entitlement of occupants of government lands for getting patta. The petitioners have also approached the respondents to issue patta to them, but it was not considered. While so, in the year 2015, the Block Development Officer, Ulundurpet issued notices under the Tamil Nadu Land Encroachment



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Act to the petitioners 1, 13 and one Maniammal. However, no such notice was issued to the other petitioners. Challenging the same, the petitioners 1 and 13 along with one Maniammal have filed WP Nos. 39918 to 39922 of 2015 before this Court, but the writ petitions were dismissed on 11.01.2016 giving liberty to them to file an appeal before the Appellate Authority. Accordingly, the petitioners 1 and 13 have filed statutory appeals before the District Collector under Section 10 of The Land Encroachment Act, but so far no order has been passed. While so, all of a sudden, the third respondent pasted a notice, signed on 18.05.2018, in the front wall of the petitioners' house intimating them that they will be evicted from the lands in question on 20.06.2018. Aggrieved by the same, the petitioners have filed the present writ petition before this Court.

3. The learned counsel for the petitioners submitted that the petitioners made several representations seeking to drop all further proceedings to evict them from the lands in their occupation, however, no reply has been given so far. The petitioners have also given a representation on 11.06.2018 to the second respondent seeking alternative accommodation and the same is also not considered till date. Therefore, the learned counsel for the petitioners prays to issue a direction to the second respondent to



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consider the petitioner's representation dated 11.06.2018 within a time frame to be stipulated by this Court.

4. On the other hand, the learned Special Government Pleader appearing for the respondents submitted that if any such representation is submitted by the petitioners, the second respondent will consider it on merits.

5. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioners' representation dated 11.06.2018, if not considered earlier, and pass orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned. The petitioners are also directed to submit a copy of the representation dated 11.06.2018 to the second respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J] [M.S.Q., J]
09.02.2023

Index : Yes / No

Internet : Yes / No

av/rsh

<https://www.mhc.tn.gov.in/judis>



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To

WEB COPY

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The Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.
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3. The Block Development Officer,
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Ulundurpet, Villupuram District.
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