



W.P.No.34880 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34880 of 2014 and
M.P.No.1 of 2014

- 1.N.Elumalai
- 2.R.Perumal
- 3.S.Ramya
- 4.P.Ramachandran
- 5.A.Poongavanam
- 6.M.Shanmugapriya
- 7.R.Pushparaj
- 8.K.Saravanan
- 9.N.Sagunthala
- 10.A.Alamelu Ammal
- 11.R.Govindammal
- 12.A.Ibrahim
- 13.G.Hanif
- 14.E.Sanjala
- 15.E.Manonmani
- 16.K.Govindaraj
- 17.K.Kuppammal
- 18.P.Kamalakshmi
- 19.P.Ammu
- 20.K.Viruthambal
- 21.R.Kamalakanni
- 22.E.Rajaram
- 23.K.Valliyammal
- 24.K.Thayammal
- 25.V.Arumugam
- 26.S.Murugan



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27.E.Subramani
28.V.Perumal Gounder
29.C.Subramani

... Petitioners

Vs

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The District Revenue Officer,
Villupuram District,
Villupuram.
- 3.The Revenue Divisional Officer,
Tindivanam,
Villupuram District.
- 4.The Tahsildar,
Gingee, Villupuram District.
- 5.The Executive Officer,
Gingee Town Panchayat,
Gingee, Villupuram District.
- 6.The Chairman,
Gingee Town Panchayat,
Gingee, Villupuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.A2/18/2014 dated 07.10.2014 and 28.10.2014 on the file of the 5th respondent and quash the same and consequently direct the respondents to issuance of house site patta under the special scheme of the respondents for the said houses of the petitioners herein within a stipulated time based on the petitioner's representation dated 15.10.2014.



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For Petitioners : Mr.K.Murugesan

For Respondents : Mr.D.Ravichander
Special Government Pleader
for R1 to R4

: No appearance for R5 & R6

ORDER

The relief sought for in the present writ petition is to quash the order of rejection dated 07.10.2014 and direct the respondents to issue house site patta in favour of the petitioners under the Special Scheme.

2. The order impugned reveals that the petitioners had encroached upon water body and thereafter submitted an application seeking patta. The subject property has been classified as 'Eri (ஏரி)' and therefore, the authorities are not empowered to grant patta in respect of the water body.

3. The learned counsel for the petitioners made a submission that the petitioners are already evicted from the water body and whether alternate accommodation has been given or not is not known to the learned counsel appearing on behalf of the petitioners.



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4. Alternate accommodation can never be claimed as an absolute right and it is to be granted under the Scheme if any and by following the procedures as contemplated. However, the subject property is a water body and the petitioners had already been evicted from the water body. That being the factum, no further consideration is required as far as the relief sought for by the petitioners is concerned and it is for the petitioners to submit an application if they are otherwise eligible for any allotment or otherwise in the manner known to law. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

06.06.2023

Index : Yes

Speaking Order : Yes

Sgl

To

1.The District Collector,
Villupuram District, Villupuram.

2.The District Revenue Officer,
Villupuram District, Villupuram.

3.The Revenue Divisional Officer,
Tindivanam, Villupuram District.

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4.The Tahsildar,
Gingee, Villupuram District.

5.The Executive Officer,
Gingee Town Panchayat,
Gingee, Villupuram District.

6.The Chairman,
Gingee Town Panchayat,
Gingee, Villupuram District.



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S.M.SUBRAMANIAM, J.

Sgl

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