



W.P.Nos.26955 and 26956 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.Nos.26955 and 26956 of 2023

Munusamy

... Petitioner in
W.P.No.26955/2023

G.Shanti

... Petitioner in
W.P.No.26956/2023

VS

1.The District Collector,
Collectorate,
GST Road,
Chengalpattu-603 001.

2.The Revenue Divisional Officer,
Madurantakam,
Chengalpet District-603 306.

3.The Tahsildar,
Cheyyur Taluk,
Chengalpet District – 603 302.



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4.The Special Tahsildar,
Land Acquisition,
Pondicherry to Mahabalipuram Highway,
Chengalpet.

5.The Block Development Officer,
Lathur @ Pavnjur,
Chengalpet District-603 312.

6.Mugaiyur Panchayat Union,
rep. by its President,
Mugiyur Panchayat,
Chengalpet District-603 305.

7.The Assistant Engineer,
Public Works Department
(Water Resources)
Namakkal Kavignar Maaligai,
Fort St. George,
Chennai-600 009.

... Respondents
in both WPs

Prayer : Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the fifth respondent dated 31.8.2023 in proceedings no.2284/2020/A3 and the consequential order of the fifth respondent dated 07.09.2023 in proceedings no.2284/2020/A1, quash the same, further direct the fourth respondent to determine the compensation, pay for the construction put up by the petitioners in S.F.No.258/1.



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For the Petitioners : Mr.A.Maheshnath
For the Respondents : Mr.P.Muthukumar
State Government Pleader

COMMON ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.A.Maheshnath, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that the petitioners are on the writ site for more than three decades. Earlier also the notice was issued. The petitioners have filed writ petitions. Considering that the petitioners are poor persons, directions were given to consider the case of the petitioners for issuance of patta.

3. According to learned counsel for the petitioners, alternate



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land has been allotted to the petitioners. However, in case of similarly situated persons, compensation is also awarded for the structure. The petitioners should be given the same benefit. The writ petitioners have also given representation to that effect.

4. In these writ petitions, the petitioners, who are rank encroachers, are seeking the benefit of compensation. The petitioners were allotted alternate site. The alternate site that was allotted to the petitioners was, according to the petitioners, not suitable. As such, the petitioners were allotted alternate sites at Survey No.109 in Vadapattinam Village, Cheyyur Taluk. The petitioner in W.P.No.26955 of 2023 is allotted land in Survey No.109/24 and the petitioner in W.P.No.26956 of 2023 is allotted the land in Survey No.109/25.

5. In view of that, now the petitioners cannot challenge the notice of eviction issued to them. We are not inclined to entertain the writ petitions qua challenge to the eviction notice.



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6. The writ petitions, as such, are dismissed. As far as compensation is concerned, the petitioners may prosecute the representations with the authorities in accordance with law. There will be no order as to costs. Consequently, W.M.P.Nos.26398, 26399, 26391, 26392, 26393 and 26401 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

13.09.2023

Index : Yes/No
Neutral Citation : Yes/No
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