



W.P.Nos.11520 to 11533 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM :

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

Writ Petition Nos. 11520 to 11533 of 2017
and
WMP. Nos. 12510 to 11523 of 2017

R.Nedunchezian	.. Petitioner in WP.No.11520 of 2017
C.Kaliyaperumal	.. Petitioner in WP.No.11521 of 2017
E.Selvi	.. Petitioner in WP.No.11522 of 2017
P.Natesan	.. Petitioner in WP.No.11523 of 2017
S.Manikandan	.. Petitioner in WP.No.11524 of 2017
R.Vijaya	.. Petitioner in WP.No.11525 of 2017
Veerasamy	.. Petitioner in WP.No.11526 of 2017
R.Arulmozhi	.. Petitioner in WP.No.11527 of 2017
G.Selvi	.. Petitioner in WP.No.11528 of 2017
S.Rasambal	.. Petitioner in WP.No.11529 of 2017
N.Subramanian	.. Petitioner in WP.No.11530 of 2017
P.Vinayagamurthy	.. Petitioner in WP.No.11531 of 2017
S.Rathinam	.. Petitioner in WP.No.11532 of 2017
P.Rajagopal	.. Petitioner in WP.No.11533 of 2017

Versus

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Superintendent of Police,
Cuddalore District,



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Cuddalore

3. The Commissioner
Panruti Municipality
Panruti

.. Respondents in all WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioners' dated 15.04.2017 to withdraw the proceedings of the third respondent issued in Na.Ka.No.3165/2001/F1, dated 06.04.2017 or in the alternative to consider the claim for resettlement by providing alternative site to the petitioners within a time frame to be fixed by this Court.

For Petitioners : Mr. S. Nedunchezhiyan
in all the Writ Petitions

For R1 to R2 : Mr.A.Selvendran
Special Government Pleader
in all the Writ Petitions

COMMON ORDER

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

In all these writ petitions, the petitioners' seek for issuing a Writ of Mandamus directing the respondents to consider their representation dated 15.04.2017 to withdraw the proceedings of the third respondent issued in Na.Ka.No.3165/2001/F1, dated 06.04.2017 or in the alternative to consider their claim for resettlement by providing alternative site within a time frame to be fixed by this Court.



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Street, Melapalayam, Panruti where they have constructed thatched sheds and were residing thereon for several years. According to the petitioners, the thatched sheds put up by them did not cause any obstruction to the thoroughfare. It is submitted by the petitioners that adjoining Bajanai Mada Street, there is a link road to reach Cuddalore to Kumbakonam Road. It is further stated that earlier WP No. 19107 of 1999 was filed before this Court by Vadakailasam Vari Alipporgal Sangam, formed by the residents of Vadakailasam area, to issue a Mandamus directing the respondents therein to remove the encroachments on the link road. The writ petition was disposed of on 24.01.2000 by recording the statement made by the official respondents to the effect that the occupants are residing for several years and they cannot be simply removed. It is further stated that the official respondents are in the process of re-locating the occupants by giving them suitable resettlement and they require six months to complete the said process. Accordingly, pursuant to the order dated 24.01.2000 passed by this Court in WP No. 19107 of 1999, the official respondents therein had re-settled about 200 number of persons, who occupied the link road, by allotting land at Municipal Ward No.32, A. Andikuppam Village and granted them patta. Even though the Petitioners were also residing in the very same link road, they were not favoured with the same benefit of alternative accommodation and they continued to occupy the link



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road in Bajanai Mada Street. While so, the third respondent issued the notice dated 06.04.2017 calling upon the petitioners to vacate and handover the vacant possession of the lands in their occupation. On verification, the petitioners came to know that the very same petitioner, who earlier filed WP No. 19107 of 1999, has filed another writ petition in WP No. 4432 of 2017 suppressing the filing of the earlier writ petition No. 19107 of 1999. Thus, by virtue of an order dated 22.02.2017 passed by this Court in WP No. 4432 of 2017, the notice dated 06.04.2017 was issued by the third respondent. Therefore, the petitioners have submitted a representation dated 15.04.2017 requesting the respondents to withdraw the notice dated 06.04.2017 of the third respondent and to provide them an alternative accommodation before dispossessing them from the link road in Bajanai Mada Street. As the respondents did not consider their representation dated 15.04.2017, the petitioners are before this Court with this writ petition.

3. The learned counsel for the petitioners submitted that the petitioners are poor agricultural coolie workers. They are in occupation of the lands in question for several years along with their families. Earlier, the respondents accommodated about 200 families, who were also residing in Bajanai Mada Street in the link Road along with the petitioners, by allotting



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them land at Municipal Ward No.32 in A. Andikuppam Village and also granted them patta. The petitioners also wanted to extend the same benefits in their favour, but it is not forthcoming. On the other hand, the third respondent issued the notice dated 06.04.2017, directing the petitioners to handover the vacant possession of the lands in question, without providing them any alternative accommodation. If the petitioners are dispossessed and driven out of the lands in question, they will be highly prejudiced. The learned counsel therefore, seeks to issue a direction to the respondents to consider the representation dated 15.04.2017 of the petitioners to provide alternative accommodation to them and to pass orders thereon within a time frame to be stipulated by this Court

4. On the above contention, we have heard the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials placed on record.

5. Considering the limited nature of relief sought for by the petitioners, this court, without going into the merits of the case, directs the third respondent herein to consider the petitioners' representation dated 15.4.2017, if not considered earlier, and pass appropriate orders, on merits and



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in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of six weeks from the date of receipt of a copy of this order. Till such time, the possession of the petitioners shall not be disturbed.

6. With the aforesaid direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

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Index : Yes / No

Internet : Yes / No

av/rsh

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MOHAMMED SHAFFIQ, J

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