



W.P.(MD) No.2743 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2743 of 2023

and

W.M.P.(MD)No.2501 of 2023

P.Pethan @ Palanisamy

... Petitioner

Vs.

- 1.The Deputy Secretary to Government,
Public Works Department,
Fort St. George,
Chennai.
- 2.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai.
- 3.The District Collector,
Office of the District Collector,
Dindigul.



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4.The Commissioner of Land Administration,
Chepauk, Chennai.

5.The Chairman,
National Commission for Scheduled Castes,
5th Floor, Loknayak Bhavan,
Khan Market,
Delhi.

6.The Chairperson,
Tamil Nadu Pollution Control Board,
76, Mouth Salai, Guindy,
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide an alternative agricultural land for displacing the petitioner from 0.35 cents comprised in S.F.No.49, Rettiambmadi Village, Palani Taluk, Dindigul District.

For Petitioner : Mr.S.Prabha

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R4

Mr.K.R.Laxman for R5



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to provide an alternative agricultural land for displacing the petitioner from 0.35 cents comprised in S.F.No.49, Rettiambmadi Village, Palani Taluk, Dindigul District.

2. The petitioner belongs to Scheduled Caste Community and have been in possession of 0.35 cents of vacant land, which has been classified as Government Poramboke, comprised in S.F.No.49 of Rettiambmadi Village, Palani Taluk, Dindigul District. In the said land, the petitioner has been cultivating and raising Maize and other similar crops and drawing water from the Muthukulam water canal running along the said property. While so, the Assistant Executive Engineer, PWD, Palani Sub-Division sent a letter dated 03.01.2019, informing that they are going to construct concrete bridge across the water canal. The petitioner sent a representation dated 17.12.2019 and after



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receipt of the same, they have sent a reply dated 19.03.2020 stating that they will consider the representation and send a suitable reply in due course. However, till date, no further communication has been received by the petitioner. According to the petitioner, the property comprised in S.F.No.49 is a water body. Thereafter, the petitioner sent a representation dated 03.01.2023 to the respondents seeking to provide an alternative accommodation, however, the same was not considered by the respondent, till date. Hence, the petitioner has filed this Writ Petition.

3. The learned Government Advocate appearing for the respondents, on instructions, submitted that the respondents have taken possession of the property and most of the construction work have been completed and it is in a final stage. At this stage, the petitioner made a representation seeking for alternative land.

4. Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the third respondent



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to consider the representation of the petitioner dated 03.01.2023 and pass orders in accordance with law, as early as possible.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
10.02.2023

NCC : Yes / No
Index : Yes / No
vsm

To

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