



WP(MD)No.14794 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD).No.14794 of 2014 and
M.P(MD) No.1 of 2014

Ochammal

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirupparankundram,
Madurai District.

3.The Village Administrative Officer,
Thanakkankulam Village,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's application for assignment patta in Survey No.150/2 at Door No.3/80, Nethaji Nagar, Thanakkankulam, Madurai -1, dated 10.08.2013.



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For Petitioner : Mr.M.Ramu
For Respondents : Mr.J.K.Jayaselman
Government Advocate

ORDER

This writ petition has been filed for a Mandamus to direct the respondents to consider the petitioner's representation, dated 10.08.2013, for assignment of patta in Survey No.150/2 at Door No. 3/80, Nethaji Nagar, Thanakkankulam, Madurai -1.

2.The learned counsel appearing for the petitioner submits that the petitioner was residing in the above address for several years and the respondents without issuing any notice for eviction, forcibly evicted the petitioner. Therefore, the petitioner has submitted a representation for assignment of the above land and the same is still pending for consideration. Hence, this petition.



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3.The learned Government Advocate by relying upon the counter affidavit filed by the second respondent submits that the land in Survey No.150/2 measuring to an extent of 0.26.5 hectares of Thanakkankulam Village, Tiruparankundram Taluk was registered as an assessed water wet as per UDR 'A' Register. The petitioner was in occupation of 2 cents in the above land and by constructing a building, she was residing and one Krishnasamy was in occupation of 3 ½ cents in the above land with a building. The lands in Survey No.150/2 was identified as suitable place for construction of Taluk Office. In order to establish Taluk office, the District Revenue Officer has conducted an inspection on 19.06.2014 and suggested the petitioner to vacate the building and to make the site available for the establishment of Taluk office. Since the petitioner has not responded, the encroachment has been removed on 27.08.2014, after informing through Tom-Tom. The encroachment made by the other encroacher namely, Krishnasamy has also been removed in the same manner. The said Krishnasamy has filed a writ petition in W.P(MD) No.9123 of 2014, before this Court seeking



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a direction to the concerned authority for assignment of land. This Court, by order dated 27.04.2014, directed the second respondent to consider his representation on merits and in accordance with law. The representation of the said Krishnasamy was considered by the second respondent and rejected in Na.Ka.No.3271/2014/C, dated 25.08.2014. Since the petitioner is also an encroacher, she is not entitled for assignment of land that the land has already been used for the purpose of establishment of Taluk office. Therefore, this writ petition is liable to be dismissed.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner was in occupation of 0.26.5 ares in Survey No.150/2, Thanakkankulam Village, Tiruparankundram Taluk, Madurai and she put up a thatched house in the above land and was residing there for several years. The grievance of the petitioner is that the respondents



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without following due process of law have forcibly evicted the petitioner. Hence, the petitioner has made a representation for assignment of the above land in favour of her. According to the respondents, the subject land was registered as an assessed water wet as per UDR 'A' Register. The petitioner and one Krishnasamy have encroached the lands and put up a construction. The land was identified by the officials for establishing Taluk Office, Thiruparankundram and therefore, they have evicted the petitioner and the other encroacher with an information through Tom-Tom on 20.06.2014. As per the direction of this Court in a writ petition W.P(MD) No.9123 of 2014 filed by the other encroacher, namely Krishnasamy, the representation made by the said Krishnasamy for assignment of land was rejected. In view of the above, the petitioner is also not entitled for an assignment of land.

6.Considering the lapse of period and the fact that the subject land has already been used by the respondents for the establishment of Taluk Office, Thiruparankundram, this Court is



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inclined to dispose of this writ petition with a liberty to the petitioner to submit a fresh representation to the respondents for assignment of land.

On receipt of such representation, if the petitioner is eligible, the respondents shall consider the same and pass necessary orders in accordance with law within a period of twelve weeks from the date of receipt of the representation of the petitioner.

7. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

10.04.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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