



W.P(MD)No.3505 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P(MD)No.3505 of 2014
and
M.P(MD)No.2 of 2014**

- 1.G.Velli
- 2.K.Kalimuthu
- 3.G.Muneeswaran
- 4.M.Jothi
- 5.N.Kalimuthu
- 6.M.Kalimuthu
- 7.K.Muthuraman
- 8.A.Kaliyappan
- 9.R.Bharathi
- 10.K.Muniyan
- 11.M.Kalimuthu
- 12.M.Karuppan
- 13.M.Muthu



W.P(MD)No.3505 of 2014

14.C.Thangavel

15.M.Kalimuthu

16.N.Irulan

17.N.Andi

18.K.Kali

19.K.Ganesan

... Petitioners

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary,

Department of Adi Dravidar and Tribal Welfare,

Secretariat,

Chennai - 9.

2.The District Collector,

Ramanathapuram District,

Ramanathapuram.

3.The Tahsildar (Special),

(Adi Dravidar Welfare),

Ramanathapuram,

Ramanathapuram District.

4.A. Seeniyammal

... Respondents



W.P(MD)No.3505 of 2014

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the Respondents No.1 to 3 from evict the Petitioners from the place in Survey No. 451/1B in an extent of 0.52.5 Hectares situated at Vani Village, Perungulam Via , Sakkarakottai Group, Ramanathapuram District and consequently direct the Respondents No.1 to 3 to complete the Re-Acquisition Proceedings in proper manner and provide patta to the Petitioners in that land.

For Petitioners : Mr.P.V.Vetrivel

For Respondents : Mr.S.P.Maharajan – for R1 to R3

Special Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.P.V.Vetrivel, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 to 3.



W.P(MD)No.3505 of 2014

2. The learned counsel for the petitioners submits that based on the judgment of this Court, dated 06.01.2000 in W.P.(MD)No.14545 of 1992, the State Authorities are now trying to evict the petitioner. The learned counsel submits that the subject writ land was allotted to the petitioners. Patta is also issued, after the land was acquired by the State authorities.

3. It appears that under judgment, dated 06.01.2000 in W.P.(MD)No.14545 of 1992, the declaration under Section 6 of the Land Encroachment Act, 1905 issued was itself cancelled. In view of that, no further proceedings could be taken up.

4. The learned counsel for the petitioners submits that the petitioners are also seeking direction against the respondents to rehabilitate the petitioners.

5. The petitioners may be unfortunate allottees of the land. The petitioners may not be at fault. However, the fact remains that the acquisition itself is set aside by the Court in the year 2000. In any case, if the respondents want to evict the petitioners, they will have to follow the provisions of law. They cannot directly or forcibly evict the petitioners without issuing show cause notice and taking recourse to



W.P(MD)No.3505 of 2014

the provisions of statute. In case, such a notice is issued to the petitioners, then the petitioners may file reply seeking all the reliefs available to the petitioners, even the relief of rehabilitation or acquisition as may be permissible under law. The authorities may consider the say of the petitioners on its own merits and in accordance with law and thereafter, they may proceed ahead.

6. If the State Authorities are ready to allot some other lands to the petitioners, the petitioners in that case will have to accept the same and may not insist for retaining the subject writ land.

7. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[K.K.R.K, J.]

28.11.2023

Index : Yes / No
Neutral Citation : Yes / No

RM



W.P(MD)No.3505 of 2014

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W.P(MD)No.3505 of 2014

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K.K. RAMAKRISHNAN, J.

RM

W.P(MD)No.3505 of 2014

28.11.2023