



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**24.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)NOs.20125 to 20130 of 2023

Santhi :Petitioner in W.P(MD)No.20125 of 2023

.VS.

- 1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Ezhilagam,
Chennai.
- 2.The District Collector,
Madurai District.
- 3.The Revenue Divisional Officer,
Melur, Narasingampatti,
Madurai.
- 4.The Tahsildar,
East Taluk,
Narasingam,
Madurai District.
- 5.The Assistant Engineer,
Water Resources Department/Public Works Department,
Periyar Vaigai Basin Circle,
Kallanthiri,
Madurai District.



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6.The President,
Mathur Village President,
Kallanthiri,
Madurai..

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 2 to 4 to issue free house site patta in the natham vacant site in S.No.51/16 and 51/17 at Mathur Village, East Taluk, Madurai District by considering the Resolution NO.18, dated 26.01.2023 passed by the sixth respondent and on the basis of the proceedings of the third respondent, dated 25.08.2022, by considering the representation of the Petitioner, dated 24.04.2023 within the time stipulated by this Court.

For Petitioners
in all W.Ps'

:Mr.M.Jegadeesh Pandian

For Respondents
1 to 5
in all W.Ps'

:Mr.D.Sachikumar
Addl. Government Pleader

COMMON ORDER

(Order of the Court was made by S.S.SUNDAR,J)

All these Writ Petitions have been filed by the Writ Petitioners seeking for a direction from the official respondents to issue free house site pattas in the Natham vacant land situate in S.Nos.51/16 and 51/17 at Mathur Village, East Taluk, Madurai District by considering the resolution passed by the sixth respondent and on



the basis of the proceedings of the third respondent, dated 25.08.2022 and by considering the representation of the Petitioner, dated 24.04.2023.

2.Mr.D.Sachikumar, learned Additional Government Pleader takes notice for the respondents 1 to 5. By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

3.The brief facts that are necessary for the purpose of disposal of these Writ Petitions are as follows:

The Petitioners appears to be the persons, who are living below the poverty line. Earlier, the Petitioners have occupied in a water body by putting up small huts namely, Keela Kanmoi of Mathur Village, East Taluk, Madurai District and they have also submitted representations to the second respondent to provide alternative place. The Petitioners earlier suffered an order of eviction under the provisions of the Tamil Nadu Protection of Tanks and Removal of Encroachment Act, 2007. Challenging the order of eviction, dated 06.04.2023, the persons including the Petitioners by



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filing Writ Petitions in W.P(MD)Nos.5119 to 5124 of 2023, W.P(MD)Nos.4849 to 4854 of 2023 and W.MP(MD)Nos.4801 to 4817 and 4533 to 4536 of 2023, this Court, taking note of the fact that the Petitioners are in occupation/encroachment of the water body namely Mathur Keela Kanmoi and that sufficient time had already been granted to the persons including the Petitioners to vacate the same, disposed of the above Writ Petitions on the following lines:

'4.We make it clear that the petitioners are not entitled to get further extension of time. If such petition is filed, the Registry shall not entertain the same. If at the end of six months from today the Petitioners still fail to vacate , it is open to the authorities to remove the encroachments summarily without reference to this Court or no further notice needs to be issued to the Petitioners also.

5.At the same time, the plight of the Petitioners cannot be lost sight of. The Petitioners are therefore permitted to submit individual representations to the District Collector, Madurai for allotting alternative sites. The District Collector shall conduct an enquiry and if the applicants are found eligible and if alternative sites are available, suitable orders shall be passed within a period of three months after applications are received from the individuals. If there



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are any other encroachments in the water body, the authorities are directed to remove the same, after following the due process of law.”

4. After the disposal of the above Writ Petitions, the Petitioners submitted individual representations on different dates requesting free house site pattas. It is to be noted that the Petitioners wanted alternative lands. It is admitted before this Court that the District Collector by notice, dated 28.7.2023 required all the Petitioners to appear before the District Collector for an enquiry for the purpose of considering the representations submitted by the Petitioners for issuance of alternative accommodation by providing free house site pattas. The Tahsildar, Madurai East Taluk, Narasingam, Madurai District in his report, dated 19.8.2023 has communicated that there is no land available in Mathur Village and that an extent of 1.06.0 hectare in S.NO.36/1 in Kuruthoor Village, East Taluk, Madurai District is identified for the purpose of granting free house site pattas to the Petitioners and others, who are facing eviction. Hence an order has been passed for removing the encroachment in the water body. The above proposal for providing free house site pattas has already been approved by the District Collector, Madurai. It is only in response to the above proposal, the



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District Collector appears to have conducted an enquiry after issuing notice to all the Petitioners and others, who are to be displaced from the water body.

5.It is the case of revenue that except five members out of 38 members against whom eviction order is passed, asking them to vacate the water body, all others have wanted patta in S.Nos. 51/16 and 51/17 of Mathur Village. It is the further case of the revenue that the property in S.Nos.51/16 and 51/17 are identified for the purpose of allotting free house sites to Adi dravida people. Stating that the said land in S.Nos.51/16 and 51/17 cannot be considered for allotment to the Petitioners and others, who are the encroachers, the Tahsildar, East Taluk, Madurai District has ensured that the Petitioners' representations will be considered for allotment of free house sites in S.No.36/1 of Kuruthoor Village, East Taluk, Madurai District.

6.The prayer in the Writ Petitions to the effect that the Petitioners should be allotted free house sites in a specific area, cannot be considered. The Petitioners cannot compel the official respondents to allot a particular land, merely because this Court



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has earlier directed the official respondents to consider the allotment of free house site to the Petitioners. The Petitioners have no vested right to seek allotment of a particular land, being encroachers in a water body and hence, the request of the Petitioners to allot free house site patta in a specific land, particularly, in S.Nos. 51/16 and 51/17 of Mathur Village, Madurai District, cannot be considered. However, the representations of the Petitioners can be suitably considered for allotment of free house sites in any other place, particularly, in S.No.31/6 of Kuruthoor Village, East Taluk, Madurai District, as identified by the Tahsildar, Madurai East Taluk, Madurai District.

7.If the Petitioners have sufficient reasons not to accept the allotment made by the revenue, their applications will be kept in waiting, till such time the official respondents find an alternative place for allotment of free house site to the Petitioners. It is also made clear that it is not open to the Petitioners to seek for extension of time to vacate from the water body, which they have already occupied, as encroachers.



8. With the above observations, these Writ Petitions are disposed of. No costs.

[S.S.S.R.,J.] [D.B.C,J.]
24.08.2023

Index:Yes/No

Internet:Yes/No

NCC:Yes/No

vsn

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COMMON ORDER MADE IN

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