



W.P(MD)No.7731 of 2015 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.7731, 7732, 7733, 7734, 7735, 7736, 7737,
7738, 7739, 7740, 7741, 7742 and 7743 of 2015

and

M.P.(MD)Nos.1, 1, 1, 1, 1, 1, 1, 1, 1, 1 and 1 of 2015

W.P.(MD)No.7731 of 2015:-

S.Pandi

... Petitioner

Vs.

- 1.The Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 4.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.



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5.The Special Tahsildhar,
Aadhi Dravida Nalathurai,
Muthukulathur Taluk,
Muthukulathur Village,
Ramanathapuram.

6.A.Wilson

7.Amulraj ... 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 1 to 5 to consider the petitioners representation dated 20.04.2015 and forbearing the 6th and 7th respondents in any manner interfering in the above said property allotted to the petitioner.

For Petitioner : Mr.K.Muraleedharan

For Respondents : Mr.R.Baskaran,
Addl. Advocate General,
Assisted by Mr.S.Shanmugavel,
Addl. Government Pleader for R1 to R5.

Mr.D.Anbarasu for R5.

Mr.C.Jesu Rajan for R6.



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COMMON ORDER

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Heard the learned counsel for the writ petitioners, the learned Additional Advocate General assisted by the learned Additional Government Pleader for the official respondents and the learned counsel for the private respondents.

2.The writ petitioners were issued with assignment orders way back in the year 1998. The petitioners have filed these writ petitions for protecting their possession by forbearing the respondents from interfering with the same.

3.When the matters were taken up for hearing, the learned Additional Advocate General submitted that all the assignment orders had been cancelled and fresh assignment orders have been issued to as many as 65 persons. I wanted to know if before cancelling the petitioners' assignment orders, they were put on notice. Mrs.Santhi, the present Adi Dravidar Welfare Tahsildar, Muthukulathur, is present in person to assist the learned Additional Advocate General. On instructions



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from the said official, the learned Additional Advocate General submitted that notices were not issued before cancelling the petitioners' assignment orders. Even the cancellation orders were not communicated. I, therefore, have to proceed on the premise that cancellation as well as the subsequent assignment orders are a nullity.

4.The learned Additional Advocate General would however assert that the petitioners have not complied with the assignment conditions. The lands were allotted only to enable the petitioners to put up construction. They were expected to reside therein. But the petitioners are residing elsewhere. No house has been constructed.

5.Taking into account the aforesaid submissions of the learned Additional Advocate General, I permit the competent authority be it the Special Tahsildar, Adi Dravidar Welfare or the District Collector to issue fresh notices to the petitioners herein. Proper enquiry shall be held and thereafter, final order shall be passed. The rights of the petitioners will abide by the outcome of the enquiry as mentioned above. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



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6.These writ petitions are disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

14.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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