



W.P(MD)No.7768 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.7768 of 2015 and
MP(MD) No.1 of 2015

A.Xavier

Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 4.The Tahsildar,
Dindigul Taluk,
Dindigul District.
- 5.Mr.Muthukumar
Sub Inspector of Police,
Kodaikanal Police Station,
Dindigul District.



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6.Mr.Vasudevan
Samyuktha Foundation,
Bangalore.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to pay compensation to the petitioner and his village people for trespassing and demolishing 175 Adi Dravidar people huts in Survey Nos.767/1 and 767/2 to an extent of 2 Acres situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District without following the statutory procedures as laid down by the statute.

For Petitioner	:Mr.A.P.Muthupandian
For R1 to R4	:Mr.J.K.Jeyaselvam Government Advocate
For R5	:No appearance
For R6	:Mr.C.D.Johnson

ORDER

This writ petition is filed by one Xaviour for a Mandamus, directing the respondents 1 to 5 to pay a compensation to the petitioner and his village people for trespassing and demolishing 175 Adi Dravidar people huts in Survey Nos.767/1 and



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767/2 to an extent of 2 Acres situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District without following the statutory procedures.

2.The learned counsel appearing for the petitioner submits that in the above village, most of the people are Adidraavidars and they were residing in S.Nos.767/1 and 767/2 for a long time. However, at the instance of the sixth respondent, the respondents 4 & 5 have forcibly evicted the petitioner and other village people without issuing any notice and without providing an opportunity. Therefore, the petitioner has filed this writ petition in a representative capacity seeking compensation for all the village people, who were affected in view of the action taken by the respondents 4 & 5.

3.The learned Government Advocate appearing for the respondents 1 to 4, on instructions submits that the lands in survey No.767/1 to an extent of 0.66.00 Hectares, the land in Survey No. 767/2A to an extent of 0.17.80 Hectares, the land in S.No.767/2B to



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an extent of 0.08.10 and the land in 767/2C to an extent of 0.8.10 are classified as Government un-assessed vacant land. The attempt made by the petitioner and his men to encroach upon the lands was prevented by the fifth respondent and as against which, this writ petition is filed. The sixth respondent claims that he is no way connected with the Survey Nos.767/1 and 767/2. Further he is having a patta land in Survey Nos.793/1, 793/2, 790/1, 791/1 and 796. Under wrong impression that the sixth respondent is responsible for the action, this writ petition is filed.

4.The learned counsel appearing for the sixth respondent by relying upon his counter affidavit submits that the petitioner has cheated several villagers of Vilpatti Village, Kodaikanal Taluk, by receiving money and also allowed them to occupy the lands in Survey Nos.767/1 and 767/2. Based on the complaint given by the sixth respondent, a criminal case in Crime No.405 of 2014 has been registered as against the petitioner, for the offences punishable under Section 447 of IPC, on the file of the Inspector of Police,



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Kodaikanal. With that motive, this writ petition is filed by the petitioner.

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

6.In view of the specific stand taken by the learned Government Advocate that the lands in survey No.767/1, 767/2A, 767/2B and 767/2C to an extent of 1 acre are classified as Government un-assessed vacant land, the petitioner cannot claim it as a matter of right to have an occupation in that property. The learned Government Advocate has relied upon the Government Order in G.O.Ms.No.1168, Revenue Department, dated 25.07.1989 that there will not be any assignment of land in the hill areas and therefore, the petitioner is not entitled for any assignment of lands. However, if the petitioner is eligible, he can make representation before the District Collector concerned.



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7.Recording the submissions made by the learned Government Advocate that the subject lands are un-assessed Government lands, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.03.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

- 1.The District Collector,
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- 2.The District Revenue Officer,
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