



W.P(MD)No.22212 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.22212 of 2023
and
W.M.P(MD)Nos.18497 & 18499 of 2023**

T.Nagarajan

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Assistant Director of Panchayats,
Thanjavur District,
Thanjavur.
- 3.The Block Development Officer,
Budalur Panchayat Union,
Thanjavur District.
- 4.The Tahsildar,
Budalur Taluk,
Thanjavur District.
- 5.The Inspector of Police,
Budalur Police Station,
Thanjavur District.



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6. The Panchayat President,
Arcadu Village Panchayat,
Budalur Union,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order made by the third respondent in his proceedings in Na.Ka.No. 4678/2021/A1 dated 08.08.2023 and quash the same insofar as petitioner's concerned as illegal and consequently forbearing the respondents or their men from disturbing the peaceful possession of the petitioner's property without providing any alternate land.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned notice issued by the third respondent calling upon the petitioner to vacate from the petition mentioned site.



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3. The land in question has been classified as “Adi Dravidar Kulam”.

The petitioner is willing to vacate the petition mentioned premises provided he is given an alternative site. The learned counsel appearing for the petitioner would state if the petitioner is given two cents of land, he will be able to put up a decent housing with the aid of funds given under the Pradhan Mantri Awas Yojana.

4. The petitioner belongs to Scheduled Caste community. He is eking out his livelihood as a coolie. The petitioner’s wife had already submitted an application on 08.08.2016. The same was taken note of by the District Collector, Thanjavur and memorandum dated 16.08.2016 was issued to the Tahsildar to submit the report. The petitioner through his wife shall submit a fresh representation to the first respondent. The first respondent shall cause enquiry to be made. If the petitioner is falling within the eligibility criteria, the first respondent shall consider assigning two cents of land in favour of the petitioner’s wife. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. Since the petitioner has given undertaking as mentioned above, we do not interfere with the impugned communication. It is relevant to note here that the third respondent cannot physically cause removal and in the event of petitioner not vacating the



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premises, the procedure set out in the Tamil Nadu Encroachment Act will have to be followed. The first respondent will assign two cents of land in favour of the petitioner's wife only after the petitioner files an affidavit before the authorities for vacating the petition mentioned premises.

5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
14.09.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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