



W.P(MD)No.13623 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.13623 of 2017 and
WMP(MD) No.10651 of 2017

Santhana Lakshmi

Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Dindigul.

2.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

4.The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioner and demolishing the



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petitioner's house property bearing Door No.4/6-851A situated in Survey No.928/12, to an extent of 0.20.0 Ares, Mannavanur Village, Kodaikanal Taluk, Dindigul District without following the due process of law.

For Petitioner :Mr.P.Banuprasath
For Respondents :Mr.M.Sarangan
Additional Government Pleader

ORDER

The petitioner has approached this Court that she is residing in Door No.4/6-851A situated in Survey No.928/12, to an extent of 0.20.0 Ares, Mannavanur Village, Kodaikanal Taluk, Dindigul District for more than 25 years by constructing a roof tiled house. She is also paying house tax regularly to the local authority. The respondents are attempting to evict the petitioner forcibly that the above land has been allotted to some other agency. Therefore, the petitioner has filed this writ petition in the year 2017 for a Mandamus, forbearing the respondents from evicting this petitioner from his house.



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2. When this writ petition is taken up for hearing, the learned Additional Government Pleader by relying upon the written instructions, which he has received from the Tahsildar, Kodaikanal submits that the land in S.No.928/12 is a Government poramboke land and it was allotted for the purpose of construction of Primary Health Centre, Veterinary Hospital and Nursing Quarters. He further submits that the petitioner's house is located in the land in S.No. 928/27.

3. In reply, the learned counsel appearing for the petitioner submits that the petitioner is living in Door No.4/6-851A for more than 25 years and even if any action is taken by the respondents for evicting her, the respondents have to follow the procedure by providing sufficient opportunity to the petitioner.

4. The learned Additional Government Pleader claims that the land in Survey No.928/12 is in possession of Revenue, whereas, the petitioner's house is located in Survey No.928/27.



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5.Considering the rival submissions made, this writ

petition is disposed of with the following directions:-

- i. In the event, if the petitioner has put up any construction in the Government Poramboke land and if the land is required for the purpose of any Government Offices, show cause notice shall be issued to the petitioner and the petitioner shall be evicted after giving due opportunity.
- ii. In the event, if the petitioner is likely to be evicted from the place, the respondent shall consider whether this petitioner is eligible for any other house site patta as per the norms prescribed by the Government and consider the case of the petitioner sympathetically.

No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No.

Index : Yes / No.

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B.PUGALENDHI, J

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