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W.P. No.16989 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P. No.16989 of 2021

and

W.M.P.No.18001 of 2021

in

W.P.No.16989 of 2021

P.Murugan

.. Petitioner

Vs.

1. The District Collector
Office of the District Collector
Salem, Salem District.
2. The Tahsildar
Office of the Tahsildar
Omalur Taluk
Salem District.
3. The Block Development Officer
Omalur, Salem District.
4. The President
Pachanampatti Village Panchayat
Omalur Taluk, Salem District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India
praying to issue a writ of Mandamus, directing the respondents 1 to 4 to



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not evict or demolish the petitioner's house at Grama Natham lands in S.No.228 in Pachanampatti Colony in Pachanampatti Village at Omalur Taluk, Salem District without following due process of law.

For Petitioner : Mr.Md.Arshadullah Sheriff
representing
Mr.Kamalesh Kannan
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} pertains to 'land comprised in S.No.228 in Pachanampatti Colony in Pachanampatti Village at Omalur Taluk, Salem District' {hereinafter 'said land' for the sake of brevity}.

2. The case of the writ petitioner, who is represented by Mr.Md.Arshadullah Sheriff, learned counsel is that, said land is Grama Natham, writ petitioner has put up a dwelling house, writ petitioner has made an application for patta which is pending with R2 (Tahsildar, Omalur Taluk, Salem District) and that the writ petitioner is under imminent threat of dispossession.



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3. Writ petitioner has sent a 'representation dated 22.07.2021'

{hereinafter 'said representation' for the sake of brevity} and a scanned reproduction of the same is as follows:

From
MURUGAN P
No. 2/149,
Nadhiarasu Street,
Pachanampatti colony,
Pachanampatti village,
Omair taluk, Salem district

22.07.2021

To

1. **The District Collector,**
Office of the District Collector,
Salem, Salem District.
2. **The Tahsildar,**
Office of the Tahsildar,
Omair taluk, Salem District.
3. **The President,**
Pachanampatti Village Panchayat,
Omair Taluk, Salem District.

Respected Sir,

Sub. : Request to not disturb my possession (House) and 10 others in Natham Survey Number 228 of Pachanampatti colony, Pachanampatti village, Omair taluk, Salem district., Regds.,

I. Myself and 10 others VIZ.

- a. Nagulan
- b. Secu
- c. Selvaraj
- d. Raj Mohan
- e. Chinnayan
- f. Sila Murugan
- g. Muthayan
- h. Sivagamy
- i. Chinnamanickam
- j. Chinnapannu
- k. Easwari
- l. Madankumar
- m. Sekthi
- n. Raja
- o. Dharmen
- p. Kuzhandai @ Murugan
- q. Sundarammal



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are residing in Natham Survey Number 228 of Pachanampatti colony, Pachanampatti village, Omalur taluk, Salem district.

2. We are in possession and had built houses in the said survey number and living there for more than 12 years.
3. We are economically downtrodden persons belonging to the Adi Dravidar community. Based on the resolution of the Panchayat in 2009, we constructed houses in the said survey number and living there till date.
4. The land where my house is situated is a "Grama Natham" lands and thus not an objectionable one. We have been regularly paying house tax to the local authority for all these years.
5. Now upon the pressure by third parties, we were orally informed by one of the person from the officials office that our possession would be evicted forcefully. It is necessary to state that the land in which I am staying is a Gramanatham and in parallel our application for issuance of patta is also pending. We are in possession for more than 12 years and only due to the influential pressure the authorities are now trying to evict us. In any event it is the duty of the officials to follow due process of law, if they have to evict our families.

Therefore I request your good self to not evict us from the Gramanatham Survey Number 228 of Pachanampatti colony, Pachanampatti village, Omalur taluk, Salem district and issue Patta to us.

Yours sincerely,



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4. As regards application for patta, the same is not before us.

5. Mr.A.Selvendran, learned State counsel submits that R2 is appropriate authority to consider the said representation and application for patta, if any.

6. Notwithstanding the prayer, Mr.Md.Arshadullah Sheriff, learned counsel abridged the same to say that a direction to R2 to dispose of the said representation will serve the purpose.

7. In the light of the narrative thus far, we make the following order:

(i) R2 [The Tahsildar, Office of the Tahsildar, Omalur Taluk, Salem District] is directed to consider the said representation (scanned and reproduced supra) on its own merits and in accordance with law and dispose of the same as expeditiously as the business of R2 would permit but in any event, within eight weeks from today i.e., 16.08.2024;



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(ii) We make it clear that we have not

expressed any view or opinion on the merits of the matter and it is for R2 to consider the said representation on its own merits and in accordance with law;

(iii) If any application for patta is pending with

R2, R2 shall consider and dispose of the same within the same (aforementioned) time frame (on its own merits and in accordance with law);

(iv) Dispossession of writ petitioner, if at all

and if that be so will be kept in abeyance till the disposal of said representation / application for patta (if any and if pending as of today and not only application given after this day);

(v) If the disposal qua said representation and /

or pending application for patta (if any) is adverse to writ petitioner, dispossession will be kept in abeyance for a fortnight from the date of service of order disposing of said representation of the writ petitioner;

(vi) Order made by R2 shall be served on the

writ petitioner under due acknowledgment within seven



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working days;

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(vii) We make it clear that this order pertains to writ petitioner only though the said representation refers to 10 others as the others are not before this Court in captioned WP.

Captioned WP disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition thereat is closed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
21.06.2024

Index:Yes
Neutral Citation: Yes
Speaking

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1. The District Collector
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M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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