



W.P.Nos.23175 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.Nos.23175, 23179, 23193, 23197, 23204 and 23206 of 2024

W.P.No.23175 of 2024:

A.SUBRAMANIYAM

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR
SALEM DISTRICT, SALEM-636 001.
2. THE REVENUE DIVISIONAL OFFICER,
METTUR DAM-1, SALEM DISTRICT.
3. THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT,
COLLECTORATE, SALEM-636 001.
4. THE TAHSILDAR
METTUR TALUK, METTUR
SALEM DISTRICT.
5. THE EXECUTIVE OFFICER
MECHERI SPECIAL GRADE TOWN PANCHAYAT DISTRICT
MECHERI, SALEM DISTRICT.
6. G.TAMIL EZHANCHEZHIAN
Respondents

..



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Prayer in W.P.No.23175 of 2024: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the Na.Ka. No.01/2024, dated 13.06.2024 issued by the 5th respondent, quash the same and consequently direct respondents 1 to 4 herein to provide house site patta to the petitioner in Survey No.229/1 situated in Mecheri Special Grade Town Panchayat, Alagagoundanoor, Mecheri, Salem District in the light of G.O.Ms. No.318, Revenue Department, dated 30.08.2019 within a stipulated time.

and batch cases

For the Petitioners in all : Ms.R.Ragapriya
the writ petitions

For Respondents 1 to 5 : Mr.M.Habeeb Rahman
in all the writ petitions Government Advocate

COMMON ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioners in this batch of writ petitions are seeking quashment of the proceedings of the fifth respondent dated 13.6.2024 and 24.6.2024 and issuance of house site pattas.



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2. Learned counsel for the petitioners submitted that lands in Survey Nos.229/1 and 228/1 of Mecheri Special Grade Town Panchayat are classified as "Grama Natham" and a certificate to that effect has also been issued by the Village Administrative Officer on 1.2.2000, however, the fifth respondent has erroneously issued the impugned proceedings under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 directing the petitioners to evict from the lands in question, treating the classification of the lands to be "Pathai".

3. Refuting the aforesaid submission made by learned counsel for the petitioners, learned Government Advocate, placing on record a copy of the 'A' Register, submitted that the lands in question are classified as "Pathai" and, therefore, the impugned proceedings do not warrant any interference.

4. At this juncture, learned counsel for the petitioners submitted that the petitioners are in occupation of the lands in



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question for over 50 years and impugned proceedings directing eviction of the petitioners have been passed without following the provisions of the Act and, therefore, there is a crass violation of the principles of natural justice.

5. Under identical circumstances, in respect of similarly placed persons occupying the lands in the same survey numbers, a Division Bench of this Court, vide order dated 2.7.2024 passed in W.P.No.17402 of 2024 and batch cases, directed the respondent authorities to treat the impugned notices as show cause notices and permitted the writ petitioners therein to respond to the same. Upon consideration of the explanation, necessary orders were directed to be passed in a time bound manner.

6. Considering the aforesaid submissions made on either side and the order passed by a Co-ordinate Bench of this Court, referred supra, we dispose of the writ petitions with the following directions:

- i. The impugned proceedings in these writ petitions shall be treated as show cause



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notice;

- ii. The petitioners shall submit their explanation in response to the show cause notices within a period of two weeks from the date of receipt of a copy of this order;
- iii. On receipt of the explanation/objections from the petitioners, the fifth respondent shall pass appropriate orders in accordance with law, within a period of four weeks.
- iv. The fourth respondent shall in the interregnum submit the details pertaining to the classification of the lands and the revenue records to the fifth respondent, to enable him consider the entire gamut and pass appropriate orders.
- v. Till the orders are passed by the fifth respondent, no coercive steps shall be taken by the respondent authorities as against the writ petitioners.



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There shall be no order as to costs. Consequently,
W.M.P.Nos.25330, 25331, 25335, 25337, 25348, 25349, 25356,
25357, 25361, 25362, 25367 and 25369 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
14.08.2024

Index : Yes/No
NC : Yes/No
sasi

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