



WEB COPY



W.P.(MD) Nos.6812 to 6851 and 6760 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)Nos.6812 to 6851 and 6760 of 2024

and

W.M.P.(MD)Nos.6331, 6332, 6335, 6336, 6343, 6344, 6349, 6350, 6355, 6356,
6361, 6362, 6367, 6368, 6372, 6374, 6387, 6388, 6395, 6397, 6339, 6340, 6341,
6342, 6353, 6354, 6357, 6358, 6363, 6365, 6377, 6379, 6381, 6382, 6391, 6393,
6396, 6398, 6403, 6404, 6401, 6402, 6337, 6338, 6345, 6346, 6351, 6352, 6378,
6380, 6364, 6366, 6359, 6360, 6369, 6370, 6385, 6386, 6389, 6390, 6347, 6348,
6375, 6376, 6371, 6373, 6383, 6384, 6392, 6394, 6399, 6400, 6405 to 6410, 6413
and 6414 of 2024

W.P.(MD)No.6812 of 2024

Mary @ Selvi

... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani Division, Dindigul District.

3.The Tahsildar,
Palani Taluk, Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the

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impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No. 9317/2017/C2, dated 06.03.2024 and quash the same as illegal, consequently, to direct the 2nd respondent to provide alternative accommodation to the petitioner on par with 81 alleged encroachers by considering the petitioner's representation dated 15.03.2024.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

COMMON ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

2.Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents in all Writ Petitions.

3.Though these Writ Petitions are filed challenging the impugned order passed by the 3rd respondent dated 06.03.2024, now, the learned counsel appearing for the petitioners is not pressing the same. The grievance of the petitioners is that the respondents, considering the request of 81 encroachers, granted



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alternative accommodation to them and the petitioners are also similarly placed persons, however, the authorities made entries as if the petitioners are running commercial activities and therefore, they are not eligible to consider for such request of providing alternative accommodation. In such circumstances, the learned counsel for the petitioners requested this Court that the petitioners would be satisfied, if any appropriate decision is taken by the Revenue Department, namely, 3rd respondent.

4.The learned Additional Government Pleader appearing for the respondents submits that the petitioners have not impleaded Devasthanam as a party in these Writ Petitions and further, on verification, it is found that these petitioners are not residing in the said property and they are running commercial activities in their respective houses as mentioned in the Writ Petitions. He further submits that some of the petitioners had already been included in the beneficiary list and if the petitioners have produced all the relevant documents to show that they are residing in the properties in question, the request of the petitioners will be considered by verifying the records and after providing opportunity to the Devasthanam, within the time stipulated by this Court.



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5.Considering the request made by the writ petitioners and the submissions made by the learned Additional Government Pleader appearing for the respondents that some of the writ petitioners are included in the beneficiary list, we are inclined to pass the following order:-

(i)Insofar as the writ petitioners, who are not included in the beneficiary list, are concerned, they are directed to submit an application along with documents to show that they are residing in the properties in question to the 3rd respondent within a period of one week from the date of receipt of a copy of this order;

(ii)On receipt of such applications, the 3rd respondent is directed to verify the documents to be submitted by the writ petitioners and if it is found that the petitioners are residing in the properties in question, consider their applications and take a decision and thereafter, communicate the same to the Devasthanam for providing alternative accommodation; and

(iii)It is needless to state that the 3rd respondent shall also give an opportunity to the Devasthanam and take appropriate decision on merits and in accordance with law if the writ petitioners are eligible for alternative accommodation.



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6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]

20.03.2024

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

Yuva

Note: Issue Order copy on 21.03.2024.

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Palani Division, Dindigul District.
3. The Tahsildar,
Palani Taluk, Dindigul District.



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AND

R.VIJAYAKUMAR, J.

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20.03.2024