



W.P.(MD)No.20476 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.08.2024

CORAM

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

W.P(MD)No.20476 of 2024
and
W.M.P.(MD)Nos.17384, 17385 & 17386 of 2024

1.Pandiyan

2.Meena

3.Arockiya Robert

4.Sankar

5.Ravichandran

6.Sangupillai

7.Ganesan

8.Ravichandran

9.Saravanan

10.John Peter

... Petitioners

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.



W.P.(MD)No.20476 of 2024

2.The Assistant Engineer,
Water Resource Department,
Irrigation Scheme,
Viralimalai,
Pudukkottai District.

3.The Tahsildar,
Viralimalai Taluk,
Pudukkottai 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 eviction notices issued by the 2nd respondent vide Nil dated 05.08.2024 quash the same as illegal and consequently forbearing the respondents to evict the petitioners from their houses situated in Survey No. 331/5, situated at Kodumbalur Chathiram, Viralimalai Taluk, Pudukkottai District.

For Petitioners :Mr.A.Vadivel

For Respondents :Mr.K.Balasubramani
Special Government Pleader

ORDER

The petitioners question the Form III notice issued by the second respondent herein.



W.P.(MD)No.20476 of 2024

WEB COPY

2. The learned counsel for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition.

3. We are not swayed by the said submission. The learned Special Government Pleader appearing for the respondents would point out that the impugned notice is a fallout of the direction given by this Court in W.P. (MD)No.16722 of 2020 on 26.11.2020. Survey No.331/5 of Kodumbaloor village is apparently not a patta land. It is said to have been classified as water spread area. The petitioners are not having patta in their favour.

3. In these circumstances, the question of interfering with the impugned order does not arise at all. However taking into account the special facts and circumstances, we direct the respondents not to enforce the impugned order for a period of six months from today provided the petitioners herein file an affidavit of undertaking before the second respondent that they would vacate the property on their own at the end of the six months period. We grant liberty to the eligible persons to approach the District Collector, Pudukkottai to consider allotting alternative places. If any such applications are received, it shall be considered and disposed of by the first respondent within a period of three months.



W.P.(MD)No.20476 of 2024

WEB COPY

4. The Writ Petition is dismissed with the aforesaid liberty. No costs.

Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
29.08.2024

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

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Assistant Engineer,
Water Resource Department,
Irrigation Scheme,
Viralimalai,
Pudukkottai District.
- 3.The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.



WEB COPY



W.P.(MD)No.20476 of 2024

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

W.P(MD)No.20476 of 2024

29.08.2024