



1

W.P.(MD)NO.21181 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21181 of 2024 AND
W.M.P.(MD)Nos.17950 &17951 of 2024

1. Sagayamary
2. Arumugam
3. Muthalagu
4. Andal
5. Daisy Fathima
6. Vadivel
7. Sangam
8. Muthulakshmi
9. Gandhi

... Petitioners

Vs.

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

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the



records relating to the impugned eviction notices issued by the second respondent vide Nil dated 05.08.2024 and 06.08.2024, 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.

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



Kodumbalur 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.

4. 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.

5. The Writ Petition is dismissed with the aforesaid liberty. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

10th September 2024

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



4

W.P.(MD)NO.21181 OF 2024

G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

To:

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

W.P.(MD)No.21181 of 2024

10.09.2024