



W.P.(MD)No.21154 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.21154 of 2024
and
W.M.P.(MD)No.17918 of 2024**

- 1.Murugesan
- 2.S.Ramu
- 3.S.Ravi
- 4.Anjammal
- 5.Chellakannu
- 6.Rasammal
- 7.Nagarajan
- 8.Jeyagopu

... Petitioners

-VS-

- 1.The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector / Monitoring Committee,
Pudukkottai District, Pudukkottai.



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3.The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

4.The Assistant Engineer,
Grand Canal, Nagudi,
Aranthangi Taluk,
Pudukkottai District.

5.The Panchayat President,
Ollanur Village Panchayat,
Manamelkudi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 not to dispossess the petitioners from Jeeva Nagar of Ollanur Village, Manamelkudi Taluk, Pudukkottai District without conducting proper survey and without following due process of law and to issue patta to the petitioners to the residential place of the petitioners or allot alternative place to the petitioners within the time frame fixed by this Court.

For Petitioners : Mr.A.Arul Jenifer,
For M/s.KBS Law Office.

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate.



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus forbearing the respondents 1 to 4 from dispossessing the petitioners from Jeeva Nagar of Ollanur Village, Manamelkudi Taluk, Pudukkottai District without conducting a proper survey and without following due process of law."

2.The area that is being encroached upon by the petitioners is classified as water body. The Ayakattudars / Agriculturists who were entitled to irrigation rights from the lake in question, which has been encroached upon, had filed W.P.(MD)No.14808 of 2021 seeking to evict the encroachers. This Court had passed an order directing removal of the encroachments. Once the authorities took action to remove the encroachments by issuance of notices under the Tamil Nadu Land Encroachment Act, one of the encroachers approached this Court in W.P.(MD)No.19818 of 2021. The said writ petition was disposed of by this Court with the following directions:



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“3.The learned counsel for the reiterated all the contentions set out in the affidavit filed in support of the writ petition. We are not impressed by the same. Admittedly, in the revenue record, the petition mentioned survey numbers have been classified as “lake”. Therefore, the question of interfering with the impugned proceedings will not arise at all. It is however seen that the petitioner has roots in the land in question. It is seen that the petitioner's forefathers were also residing in the very same place. Considering these circumstances, we direct the respondents to defer their eviction action by six more months from 30.11.2023. It is always open to the petitioner to approach the competently authorities for granting free house site patta. If such an application is submitted, considering the special facts and circumstances of the case, the authorities are bound to issue favourable order.”

3.In the light of the observations made by the Hon'ble Division Bench, we had required the Tahsildar, Manamelkudi to file a report as to whether any of the encroacher filed applications for allotment of free house site patta. The Tahsildar has filed a report stating that none of the encroachers have filed applications but however, only on 12.08.2024, after a few days prior to filing of the writ petition, 31 encroachers have filed petitions seeking alternative accommodation and the



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same is in active consideration of the authorities. In the light of the above development and particularly, in the light of the fact that applications for grant of free house site patta are pending and the authorities are already taking action on the applications, we dispose of the writ petition with the observation that the Tahisldar will take a call on the request of the petitioners and other similarly placed persons for grant of free house site patta at the earliest, so that the water body is restored.

4.The writ petition is disposed of with the above observations. No costs.
Consequently, connected miscellaneous petition is closed.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
09.09.2024



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