



WEB COPY



W.P.No.13628 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13628 of 2018

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Manjula, W/o Kumar

Vs.

.. Petitioner

1. District Collector,
Coimbatore District,
Coimbatore.

2. Sub-Collector,
Pollachi,
Coimbatore District.

3. Special Tahsildhar (Land Acquisition),
Adhi Dravidar and Schedule Welfare,
Pollachi,
Coimbatore District.

4. Sumathi, W/o Gunasekar

5. The Inspector of Police,
Negamam,
Pollachi Taluk,
Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to implement the order of the third respondent in Na.Ka.No.1325/2000/A, dated nil.Decmber 2017 within a stipulated time that may be fixed by this Court.

For petitioner : Mr.C.Veeraraghavan

For respondents: Mrs.S.Anitha, Spl.G.P. for RR-1 to 3

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Mr.M.N.Balakrishnan for R.4

Mr.S.Balaji, Govt. Advocate (Crl. Side) for R-5

ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to implement the order of the third respondent in Na.Ka.No.1325/2000/A, dated nil.Decmber 2017 within a stipulated time that may be fixed by this Court.

2. The facts in a nut-shell, are as below:

(a) The third respondent herein initiated proceedings for acquisition of land to allot the lands to those who were not having lands for their livelihood. the third respondent acquired the land and allotted 250 house-sites to the landless poor under Adhi Dravidar Welfare Department in the year 2005. The third respondent allotted to 250 people and as per the conditions of the Government, the allottee should construct a house in the plot allotted to the concerned person within a period of six months from the date of allotment. The allottee should obtain prior permission to construct the house and some other conditions for the said allotment.

(b) The second and third respondents conducted spot inspection on 15.01.2016 and cancelled the 32 house-site "patta" to those who were not residing in the respective house-sites allotted to them. The fourth respondent's

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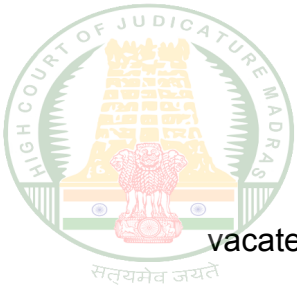
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allotment was also cancelled, since she is not residing there from the date of allotment and as per the conditions at the time of granting Patta in her favour.

(c) Thereafter, in July 2016, the third respondent issued Patta to the petitioner and 38 others. Plot No.192 was allotted to the petitioner and on the basis of the allotment, the petitioner obtained necessary permission to construct a house in the plot allotted to the petitioner and the petitioner had constructed a small tiled house for his livelihood and the petitioner is residing in the above said plot.

(d) While so, the petitioner was away from her residence due to sudden death of his close relative and the petitioner had gone to Sular. The fourth respondent trespassed into the petitioner's house and now, she is residing in the house-site allotted to the petitioner illegally. Hence, the petitioner made a representation to the respondents 1 to 3 to evict the fourth respondent and restore the petitioner's possession of the house-site allotted to the petitioner.

(e) On the basis of the representation sent to the respondents 1 to 3, the third respondent initiated proceedings in Na.Ka.No.1325/2000/A, dated nil of December 2017 and directed the fourth respondent to remove the encroachment within a week, failing which, she will be evicted as per the Government Rules. The third respondent passed the order in December 2017 and the same has been communicated to the fourth respondent and fifth respondent. Though the order has been communicated in December 2017, the fourth respondent neither



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vacated the premises, nor the third respondent has initiated any action against the fourth respondent to evict the fourth respondent and to restore the petitioner's possession till date. In view of in-action on the part of the respondents 1 to 3, the petitioner is left in lurch and hence, the Writ Petition is filed for the releif stated supra.

3. Heard both sides and perused the materials available on record.

4. Learned counsel for the petitioner submitted that the allotment order was passed in favour of the third respondent and was allotted "natham" house-site land in favour of the fourth respondent. However, subsequently, the authorities have verified the issue and they found that the fourth respondent is not residing in the property in question and passed order dated 27.12.2017 and this order was not implemented by the authorities.

5. Considering the limited prayer made in this Writ Petition and considering the factual aspects of the matter, this Court directs the third respondent to implement the said order dated 27.12.2017 within a period of six weeks from the date of receipt of a copy of the said order dated 27.12.2017, and after providing an opportunity of hearing to the fourth respondent and also to the petitioner, and the above said direction shall be followed if there is no other legal impediment in implementing the same.

6. With the above observations/direction, this Writ Petition is disposed of.



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There shall be no order as to costs.

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To

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