



W.P.No.25055 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25055 of 2019

and

W.M.P.Nos.24623 and 24626 of 2019

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1. Syed Navi (Thirunangai)
2. Rahmed Nisha
3. Athoobi Hathg Vinha
4. Syed Haroon

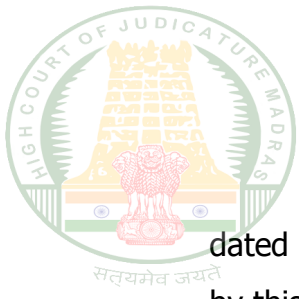
.. Petitioners

Vs.

1. The District Collector,
Office of the District Collectorate,
Erode, Erode District.
2. The Revenue Divisional Officer, Erode.
3. The Tahsildar,
Modakurichi Taluk,
Erode District.
4. The Revenue Inspector,
Avalpoondurai Village Ulvattam,
Modakurichi Taluk, Erode District.
5. Village Administrative Officer,
Avalpoondurai Village,
Modakurichi Taluk, Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to consider the petitioner's representation,



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dated 19.09.2018 in accordance with law, within a time frame that may be fixed by this Court.

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For petitioners : Mr.P.Dinesh Kumar

For respondents: Mr.S.Balamurugan, Govt. Advocate

ORDER

This Writ Petition is filed praying for issuance of a Writ of Mandamus to consider the petitioner's representation, dated 19.09.2018 in accordance with law, within a time frame that may be fixed by this Court.

2. One of the petitioners being a transgender, is living with mother, brothers and sister in the property in question for the past several years and were living in "Kulam Poramboke" property in R.S.No.312 by constructing a house with Well and doing agriculture and payments were made in the name of their mother under B-Memo receipts. This Court by order dated 27.08.2011, directed the petitioners to move the District Collector, Erode by filing application for assignment of the land on any one or more ground such as landless poor and the District Collector was directed to consider the said process. The second respondent by letter dated 18.07.2016 and 07.03.2017 directed the third respondent to conduct enquiry in respect of the assignment of the land to some other place and based on the said letters, enquiry had also been conducted by



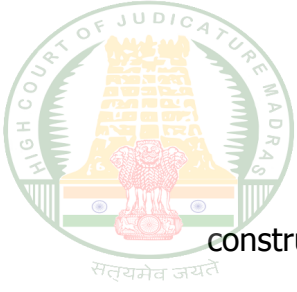
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the respondents and the respondents 4 and 5, by letters dated 18.04.2017, recommended for assignment of land to the petitioners to some other place.

Thereafter, the first respondent by letter dated 26.10.2018, directed the third respondent to take action on the petitioner's representation, dated 19.09.2018. But till date, no action has been taken by the respondents and hence, the present Writ Petition is filed for the relief stated supra.

3. Learned Government Advocate appearing for the respondents, while placing reliance on the counter affidavit, submitted that the Tahsildar, Modakkurichi had issued order dated 13.09.2019 to the Executive Officer, Avalpoondurai Town Panchayat, Modakkurichi Taluk, to carry out the eviction process and hence, the said Executive Officer had also issued notice under Section 7 of the Tami Nadu Land Encroachment Act on 25.09.2019 pertaining to the encroachment committed in Survey No.312 over an extent of 0.31.17 hectares and 0.44.50 hectares of land in Avalpoondurai Tank (Kulam) by way of construction of terrace building, cultivation and Well. The petitioner received the above notice on 01.10.2019 and also acknowledged the same, but without giving any explanation, has filed the present Writ Petition for the above prayer.

4. It is the further stand of the respondents that he and his ancestors have been living in the property in question for the past 60 years in Kulam (Tank) Poramboke land in Survey No.312 of Avalpoondurai Village by



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constructing house, digging Well and doing agricultural operations in the name of the mother and penalty was also levied towards B-Memo charges. To the reply of the petitioner and in view of escalating cost of the land prices and as the area is situated within 12 Kms. from the Corporation limits of Erode, the petitioner's request was not considered. In the connected earlier proceedings by way of filing of writ petition, this Court, on 27.08.2011, directed the petitioner to move the District Collector, Erode by filing application for assignment of land on the ground of landless poor, and upon the said application, the District Collector was directed to consider the same on merits and in accordance with law, if the assignment of land is permissible. The petitioners were very adamant in keeping the encroached portion of the Water Court Government Poramboke land situated in S.No.312 of Avalpoondurai A-Village of Modakkurichi Village. Further, according to the respondents, the petitioner is already possessing a house site having an extent of 1107 Sq.Ft. in S.No.338/2 of Avalpoondurai Village, vide sale document dated 06.06.2008 of Sub-Registrar Office, Avalpoondurai Village, purchased from one C.Subramani and the property of that house site was valued at Rs.2,70,000/- at the time of purchase and the first petitioner herein is having 5 houses having separate house tax assessment. Hence, the petitioners are not at all eligible for getting additional house-site patta, either in the name of the petitioners or in the name of their family members.



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5. It is also stated by the learned Government Advocate that the petitioners are encroachers of the land classified as Poondurai Tank (Kulam) and having un-interrupted enjoyment by constructing two-storeyed terrace building with shops now being commercially used and also for cultivating in a portion of the land.

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

7. Considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner, dated 19.09.2018, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if the said representation is not yet disposed of, and the petitioner is directed to send a copy of this order to the respondents before disposing of such representation. It is made clear that this Court has not gone into the merits of the case of the petitioner and it is for the respondents to decide the same while disposing of the said representation.

8. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the miscellaneous petition is closed.

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