



W.P(MD)No.9155 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.9155 of 2025
and W.M.P(MD)No.6846 of 2025**

- 1.S.Indira
- 2.Subbammal
- 3.E.Mariyappan
- 4.S.Prema
- 5.Esakki @ Esakkiyammal
- 6.K.Nagammal
- 7.V.Barani
- 8.M.Jeya @ Jeyalakshmi
- 9.Chandra
- 10.P.Thenmozhi
- 11.S.Rajendran
- 12.C.Pitchai

... Petitioners

vs.

- 1.The District Collector,
Collectorate,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.



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3.The Tahsildar,
Amabasmudram,
Tirunelveli District.

4.The Special Tahsildar,
Adi Dravidar Welfare,
Cheranmahadevi,
Tirunelveli District.

5.P.Muthu Krishnan

6.K.M.Sheik Maideen

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 1 to 4 from evicting the petitioners in the assignment patta to the house plot given in Survey Nos.176/1B, 178/1A1, 179/1A1, 2A and 2B located at South Kallidaikurichi Village Part-I, Ambasamudram Taluk, Tirunelveli District based on the representation dated 06.01.2025 preferred by the petitioners.

For Petitioners : Mr.V.P.Rajan

For RR 1 to 4 : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by J. NISHA BANU, J.)

The petitioners have filed the present Writ Petition for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from evicting the petitioners



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in the assignment patta to the house plot given in Survey Nos.176/1B, 178/1A1, 179/1A1, 2A and 2B situated at South Kallidaikurichi Village Part-I, Ambasamudram Taluk, Tirunelveli District based on the representation of the petitioners, dated 06.01.2025.

2. According to the petitioners, the Government acquired land comprised in Survey Nos.176/1B, 178/2A2, 1A1, 179/1B, 2A and 2B from one Rajeswaran and his sister Sowmya in the year 1997 for granting assignment patta to the community viz., the Scheduled Caste in order to implement the welfare scheme. Accordingly, the land was acquired and the assignment patta was given to 141 beneficiaries belongs to Schedule Caste. The land owner Sowmya and her brother Rajesh filed Writ Petitions in W.P.Nos.4364 and 4370 of 1998 seeking to quash the land acquisition proceedings. The Principal Seat of this Court, vide order dated 13.02.2002 quashed the land acquisition proceedings on the ground of procedural lapse and also granted liberty to initiate fresh proceedings as per the enactment. It is to be noted that the above mentioned survey number does not belong to the said Sowmya and Rajeshwaran as per the revenue records and they entitle only Survey No.185. Thereafter, they did not claim right over other



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properties. In the meanwhile, the beneficiaries filed a suit in O.S.No.127 of 2003 before the Civil Court seeking for the relief of permanent injunction. The Trial Court allowed the suit as prayed for. The said Sowmya and others did not claim right over the property and as such, the official respondent also allowed the beneficiary to continue the assignment house plot. While so, the respondents 4 and 5 claimed right over the property through some sale transaction and approached the official respondents for retrieving the acquired land from the beneficiary. While so, the private respondents illegally demolished the houses of few beneficiaries and they also evicted few beneficiaries from the land assigned by the Government. Since the official respondents failed to save the interest of the beneficiary and also the land acquired by the Government to provide the house site patta, the petitioner along with others filed a Writ Petition in W.P(MD)No. 2498 of 2014 before this Court against the forcible eviction from the assignment house site and the Division Bench of this Court directed the second respondent therein to consider the representation of the petitioners therein and pass appropriate orders in accordance with law, within a period of three months. Till a decision is taken by the second respondent, the writ petitioners ought not to be evicted. In any event, the writ petitioners shall not be dispossessed except by due



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process of law. While being so, the private respondents claimed right over the above mentioned survey number and filed a Writ Petition in W.P(MD)No.15382 of 2021 against the official respondents to hand over the land acquired by the Government to provide house site patta in the year 1998 and this Court, by order dated 31.08.2021 directed the official respondents to consider the representation of the private respondents. The first respondent rejected the claim of the private respondents by order dated 26.11.2022. Challenging the same, the private respondents filed another writ petition in W.P(MD)No.29155 of 2022 and this Court, by order dated 27.03.2024 quashed the impugned order dated 26.11.2022 and allowed the Writ Petition. Since the official respondents directed the petitioners to vacate their house within a period of 15 days, the petitioners have filed the present Writ Petition.

3. Heard Mr.V.P.Rajan, learned counsel appearing for the petitioners and the Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials placed before this Court.



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4. On perusal of the materials available on record, it is seen that the petition mentioned lands were acquired under the provisions of the Tamil Nadu Act 31 of 1978. The acquisition proceedings were put to challenge in W.P.Nos.1815 and 1853 of 1999. The Writ Petitions were allowed on 13.09.2000 and the acquisition proceedings were quashed. The petitioners are the occupants and the respondents 4 and 5 are the purchasers. Challenging the impugned order passed by the second respondent therein dated 26.11.2022, the respondents 4 and 5 filed a Writ Petition in W.P(MD)No.29155 of 2022, wherein this Court by order dated 27.03.2024, passed the following order:

“4..... The prime argument is that the persons belonging to marginalised community are presently residing in the petition mentioned land and they were granted assignment patta. The aggrieved persons filed W.P.(MD).No.2498 of 2014 and it was disposed of by this Court on 17.08.2017 in the following terms:

“3.Since the Writ Petitioners belong to the marginalised sections of the Society, this Court directs the second respondent to sympathetically look into their representation dated 03.02.2014 and thereafter, pass appropriate order in accordance with law, taking into account the condition of the writ petitioners, within a period of three months from the date of receipt of a copy of this order. Till a decision is taken by the second respondent, the writ petitioners ought not be evicted. In any event, the writ



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petitioners shall not be dispossessed, except by due course of law.”

Therefore, the respondents 1 to 5 are reluctant to throw out the occupants.

5. The stand of the respondents cannot be appreciated. The fact remains that the acquisition proceedings were quashed. Only during the pendency of the challenge to the acquisition proceedings, assignment pattas came to be issued. Once the acquisition proceedings came to be quashed, the assignment pattas are also liable to be cancelled. In fact, the assignment pattas came to be subsequently cancelled. Since the assignees were allowed to reside only by virtue of the orders passed by the authorities, the authorities are obliged to put the clock back and the status quo ante must be restored by the authorities. That is why this Court vide order dated 06.03.2013 in W.P.No.29125 of 2003 directed the District Collector to invoke his power under Section 47 of the Act.

6. At this stage, the learned counsel for the petitioners submits that 12 of the 22 occupants have already taken sale deeds from the petitioners. In fact, the petitioners are ready to adopt the same course of action in respect of the remaining 10 occupants also.

7. The second respondent is therefore directed to associate the petitioner in such an exercise. If the authorities want to oblige the remaining 10 occupants, the authorities can as well pay the sale consideration directly to the petitioners and secure sale deeds in favour of the occupants. If the authorities are not willing to adopt such course of action, it is the duty of the second respondent to evict the occupants and hand over vacant possession to the petitioners herein. The above exercise shall be completed by the second respondent within a period of five (5) months from the date of receipt of a copy of this order. The impugned order passed by the second respondent dated 26.11.2022 is set aside.



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8. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.”

5. Considering the fact that the acquisition proceedings were quashed and the petitioners are illegal occupants, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
02.04.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.P(MD)No.9155 of 2025

DATED : 02.04.2025
(1/2)

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