



W.P.(MD) No.12752 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.12752 of 2025

and

W.M.P.(MD)Nos.9203 and 9204 of 2025

1.Chinnaponnu

2.Meena

... Petitioners

-Vs-

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Taluk Office,
Aranthangi,
Pudukkottai District.

3.The Divisional Engineer,
Highways Department,
Aranthangi,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceeding in Ni.Mu. 1874494/2024/E1 dated 09.03.2025 passed by

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the 1st respondent and consequently proceeding in Na.Ka.No. 487/2024/Aa5 dated 28.03.2025 passed by the 2nd respondent and quash the same and consequently direct the 3rd respondent to allow the petitioners to run the shops in unused land in Survey No. 265 with an extent of 50 sq.ft., situated at Paravakottai Revenue Village, Aranthangi Taluk, Pudukkottai District.

For Petitioner : Mr.M.Ramu
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

[Order of the Court was made by S.SRIMATHY, J.]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, takes notice for the respondents.

3.This writ petition is filed challenging the eviction notice issued by the respondent 09.03.2025.

4.The contention of the petitioner is that the petitioners and the other residents of the subject property are permissive occupants in the subject property

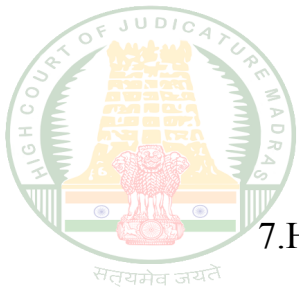


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for years together. While so, the second respondent treating the petitioners as encroachers has issued eviction notice under Section 6 of the Tamil Nadu Removal of Land Encroachment Act, 1905 in pursuant to the order passed by this Court in a writ petition filed by one Chitra in W.P.(MD)No.23395 of 2023. The said notice was put to challenge before the first respondent by way of appeal proceedings. However, the said appeal was rejected by the first respondent. Challenging the same, the petitioners have filed this writ petition.

5.The learned counsel for the petitioner submits that the petitioners are the permissive occupants of the property in question, hence they cannot be treated as an encroachers. Further, the third respondent is vested with power to grant permissive possession of the property in question. Hence, they seek to allow this writ petition.

6.The learned Special Government Pleader appearing for the respondents submits that under G.O.Ms.No.318, dated 30.08.2019, the Government issued guidelines to issue patta to the persons, who are in possession of the property for years together. Hence, the authorities concerned will consider the request of the petitioners based on the guidelines issued in the said Government Order.



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7.Heard the learned counsel appearing on either side and perused the materials placed on record.

8.Admittedly, the petitioners are in possession of the property for years together. Hence, the authorities concerned are directed to consider the request of the petitioner as per G.O.Ms.No.318, Revenue and Disaster Management Department, dated 30.08.2019 on its own merits and in accordance with law.

9.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

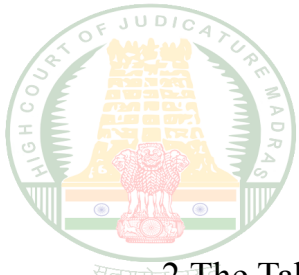
[J.N.B., J.] & [S.S.Y., J.]
29.04.2025

NCC : Yes / No
Index : Yes / No

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