

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.20488 of 2015

Gurusamipalayam Sengundar  
Samudaya Koodam,  
rep. By its President,  
D. Thirunavukarasu,  
Pavadi Street,  
Gurusamipalayam (P.O.),  
Rasipuram (TK)  
Namakkal District 637 403.

...Petitioner

vs.

- 1 The District Collector,  
Collectorate, Namakkal District.
- 2 The Commissioner of Land  
Administration, Cheppakkam, Chennai-5
- 3 The Tahsildar,  
Taluk Office, Rasipuram, Namakkal District.
- 4 The Superintendent of Police,  
Namakkal District.
- 5 The Executive Officer,  
Pillanallur Town Panchayat, Rasipuram,  
Namakkal District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the 1st respondent not to remove the petitioner property situated in Survey No.93/2 spread over 1.64.5 Hectares' acres 29, Pillanallur Village, Rasipuram

Taluk, Namakkal District from the peaceful possession in accordance with law.

For petitioner : Mr. K. Ramesh  
For respondents : Mr. P.S.Sivashanmugasundaram  
Spl. Govt. Pleader - R1 to R4  
Mr. S.V. Durai Solaimalai - R5

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of both parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner, claiming to be the President of Gurusamipalayam Sengundar Samudaya Koodam, without assailing any particular order, has come up with this writ petition seeking a direction forbearing the first respondent from removing his property situated in Survey No.93/2 spread over 1.64.5 Hectares' acres 29, Pillanallur Village, Rasipuram Taluk, Namakkal District from his peaceful possession.

3. According to the learned counsel for the petitioner, the petitioner is a lawful owner of the property in question and the same has been purchased on 26.08.1930 for a valid consideration. The building is engaged in providing space for several purposes as community hall and as such, the same may be protected.

4. On a perusal of the pleadings and documents appended thereto, it is seen that the petitioner was served with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, on 13<sup>th</sup> April, 2015. The petitioner has made a representation in response thereto on 27<sup>th</sup> April, 2015. It further transpires that, pursuant to the said representation, no action has been taken by the authorities, as yet. Nonetheless, the petitioner has come up with this petition seeking a purported direction forbearing the first respondent from removing the aforestated building, under the mistaken apprehension that consequential order may be passed on the basis of the representation dated 27<sup>th</sup> April, 2015.

5. In such view of the matter, without expressing any opinion on the merits of the case, as the statutory procedural requirement has been complied with and notice has been issued to the petitioner and also reply/representation has been filed by the petitioner, the authorities are directed to examine the said

reply/representation and pass appropriate orders on merits and in accordance with law and take consequential action if need be, within a period of two weeks from the date of receipt of a copy of this order. Needless to that the authorities shall not take any consequential action before passing proper orders on the petitioner's reply/representation.

6. With the above observation and direction, this writ petition is disposed of. Connected Miscellaneous Petition is closed. No costs.

Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector,  
Collectorate, Namakkal District.
- 2 The Commissioner of Land  
Administration, Cheppakkam, Chennai-5
- 3 The Tahsildar,  
Taluk Office, Rasipuram, Namakkal District.
- 4 The Superintendent of Police,  
Namakkal District.
- 5 The Executive Officer,  
Pillanallur Town Panchayat, Rasipuram,  
Namakkal District.

1 CC to Mr. K. Ramesh, Advocate SR.No. 34885

1 CC to the Government Pleader, SR.No. 35020

MG (CO)  
PSI (24.07.2015)

W.P. No.20488 of 2015