

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.30382 of 2012

N.Ramasamy

.. Petitioner

vs.

1. The District Collector
Tiruppur District
Tiruppur

2. The Revenue Divisional Officer
Tiruppur

3. The Tahsildar
Palladam Taluk
Tiruppur

4. Boopathy
President
Town Panchayat
Shamalapuram
Tiruppur District

.. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents, their men or their subordinates from in any manner entering into the petitioner's property and interfering with his possession and enjoyment of his property comprised in Punja survey No.465/2D, measuring an extent of 40 ares in Shamalapuram village, Palladam Taluk, Tiruppur District.

For petitioner : Mr.D.Bharatha Chakravarthi
for M/s.Sai Bharath Ilan

For respondents : Mr.R.Ravichandran
AGP for R1 to R3
Mr.D.Raja for R4

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This writ petition has been filed praying that this Court may be pleased to issue a writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the property of the petitioner comprised, in survey No.465/2D, measuring an extent of 40 ares, in Shamalapuram village, Palladam Taluk, Tiruppur District.

3. The petitioner has stated that the respondents were digging canals and making constructions for laying pipelines in the land belonging to the petitioner, in survey No.465/2D, in Shamalapuram village, Palladam Taluk, Tiruppur District.

4. It has been further stated that the respondents have no right or authority to interfere with the peaceful possession and enjoyment of the property of the petitioner without acquiring the land in question, by following the procedures established by law.

5. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the petitioner had submitted that it would suffice, if a direction is issued to the first respondent to pass orders on the representation of the petitioner, dated 5.11.2012, within a time frame specified by this Court. The learned counsels appearing on behalf of the respondents have no objection for this court passing such an order.

6. In such circumstances, this Court finds it appropriate to direct the first respondent to consider the representation of the petitioner, dated 5.11.2012, and dispose of the same, if it has not been disposed of till date, after giving an opportunity of hearing to the petitioner, the fourth respondent and the other persons concerned, if any, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner shall furnish a copy of the representation, dated 5.11.2012, to the first respondent, along with a copy of this order. However, it is made clear that the fourth respondent shall not interfere with the peaceful possession and enjoyment of the patta land, said to be belonging to the petitioner in survey No.465/2D, in Shamalapuram village, Palladam

Taluk, Tiruppur District, till the disposal of the representation of the petitioner, dated 5.11.2012, by the first respondent. It is also made clear that this Court has not expressed any opinion on the merits of the matter. The Writ Petition is disposed of, with the above directions. No costs. Connected M.P.No.1 of 2012 is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To:

1. The District Collector
Tiruppur District
Tiruppur
2. The Revenue Divisional Officer
Tiruppur
3. The Tahsildar
Palladam Taluk
Tiruppur

1 cc to Mr.Sai Bharath & Ilan, Advocate, Sr. 44802

1 cc to the Government Pleader, Sr. 45130

Writ Petition No.30382 of 2012

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