

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.10.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.26972 of 2015

and

M.P.No.1 of 2015

P.Radhakrishnan

.. Petitioner

Vs

1.The District Collector,
Salem, Salem District.

2.The Tahsildar,
Omalur, Omalur Taluk,
Salem District.

3.The Village Administrative
Officer,
Tenishpettai Village and Post,
Omalur Taluk, Salem District.

4.The Panchayat President,
Danishpet Oorachi Mandaram,
Panchayat Office,
Danishpettai Village,
Omalur Taluk, Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents not to dispossess the petitioner from his land in S.No.183/2 to an extent of 60 cents, S.No.183/1 to an extent of 20 cents and S.No.184/2 an extent of 48 cents situated at Danishpettai Village, Omalur Taluk, Salem District, without following the due process of law.

For Petitioner .. Mr.M.Elango

For Respondents .. Mr.S.Pattabiraman,
Govt. Advocate

ORDER

Alleging that the respondents are disturbing with the possession of the petitioner in Survey Nos.183/1, 183/2 and 184/2, situated in Danishpettai Village, Omalur Taluk, Salem District, without following due process of law, the present writ petition has been filed.

2.The learned Government Advocate, on instructions, submitted that the petitioner is not at all in possession of the property in Survey Nos.183/2 and 183/1 and the petitioner's brother one Chinnaraju, who is working as a teacher is in possession. The said person would be evicted by due process of law since the encroached portion is odai poramboke and except the said person, all encroachers have been evicted. So far as Survey No.184/2 is concerned, it is submitted that it is a patta land. Therefore, there is no question of evicting either the petitioner or the said Chinnaraju. The submission made by the learned Government Advocate with respect to Survey No.184/2 is recorded.

3.In view of the said submission, the writ petition stands disposed of, by directing the respondent concerned to follow due process of law while evicting the said Chinnaraju, who is said to be the brother of the petitioner, from Survey Nos.183/2 and 183/1. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mmi

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To

1.The District Collector,
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Panchayat Office,
Danishpettai Village,
Omalur Taluk, Salem District.

+1cc to Mr.M. Elango, Advocate, S.R.No.55895

+1cc to the Government Pleader, S.R.No.55616

GJ(CO)

EU(16/10/2015)

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सत्यमेव जयते

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