

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.32507 of 2015
and
M.P. No.1 of 2015

K. Sarojini

... Petitioner

Vs.

1. The District Collector
Erode District Collector's Office
Erode
2. The Sub Collector
Sub Collector's Office
Gobichettypalayam
Erode
3. The Tahsildar
Tahsildar's Office
Gobichettypalayam
Erode District
4. The Personal Assistant to Collector
Backward Classes Department
District Collector's Office
Erode District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from evicting the petitioner from the land in New S.No.44, (Old S.F. No.389/E), Nancham Pulliyampatti Village, Gobi Taluk, Erode District, without following the due process of law.

For petitioner : Mr. R. Srinivas

For respondents : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents.

2. By this writ petition, the petitioner seeks a direction forbearing the respondents from evicting her from the land in New S.No.44 (Old S.F. No.389/E), Nancham Pulliyampatti Village, Gobi Taluk, Erode District, without following the due process of law.

3. At the threshold, it is to be noted that this writ petition is filed based on sheer apprehension that after finding that the petitioner is in encroachment of the Government poramboke land, the authorities may initiate action for eviction.

4. Pursuant to the information sought by the petitioner, it is informed that she is in encroachment. It is for the petitioner to establish as to whether she is having legal ownership of the property in question. If it is an encroachment, it is for the authorities to initiate action for removal of the encroachment, of course, in accordance with law and after affording an opportunity of hearing to the petitioner.

5. No cause of action has arisen at this stage to file this writ petition. As such, we are not inclined to entertain this frivolous petition, at this stage.

6. As a sequel, the writ petition is dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

cad

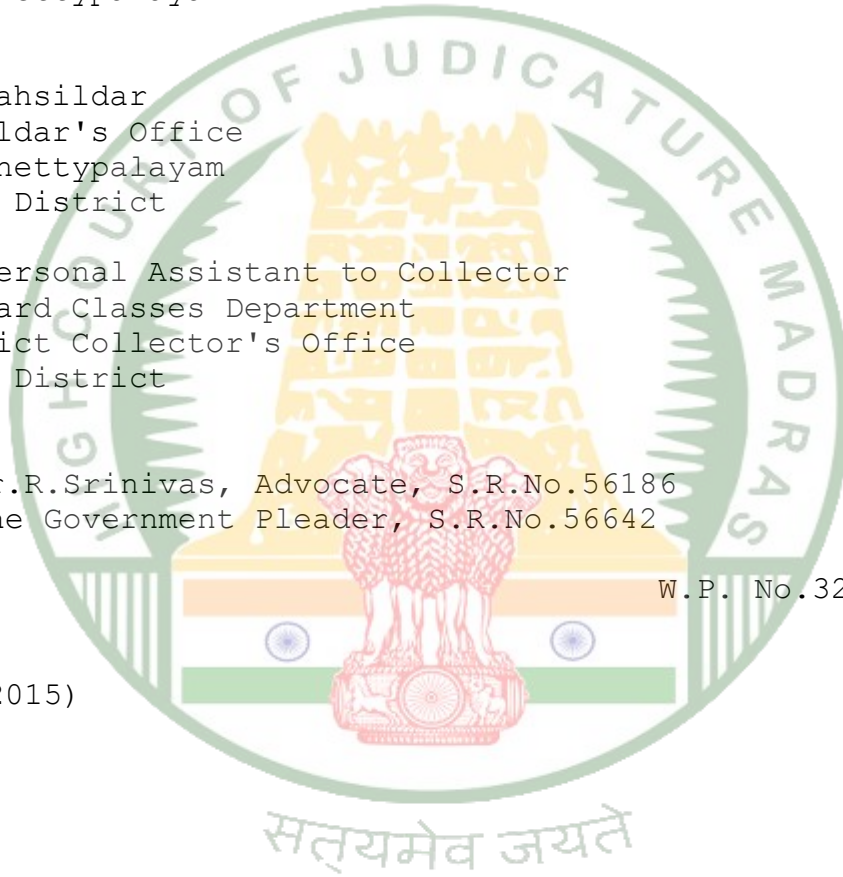
To

1. The District Collector
Erode District Collector's Office
Erode
2. The Sub Collector
Sub Collector's Office
Gobichettypalayam
Erode
3. The Tahsildar
Tahsildar's Office
Gobichettypalayam
Erode District
4. The Personal Assistant to Collector
Backward Classes Department
District Collector's Office
Erode District

+1cc to Mr.R.Srinivas, Advocate, S.R.No.56186
+1cc to the Government Pleader, S.R.No.56642

W.P. No.32507 of 2015

SV(CO)
CA(26/10/2015)



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