

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

CORAM:

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

W.P. Nos.6866 and 6867 of 2015
and
M.P. Nos.1 and 1 of 2015

A. DevakiPetitioner in W.P. No.6866 of 2015

A. PoovanPetitioner in W.P. No.6867 of 2015

vs.

1 The District Collector
Dharmapuri District
Dharmapuri

2 The Tahsildar
Dharmapuri Taluk
Dharmapuri District

3 The President
Booganahalli Panchayat
Palacode Taluk
Dharmapuri District

4 The Village Administrative Officer
Booganahalli Panchayat
Booganahalli Post
Palacode Taluk
Dharmapuri District

...Respondents in both the WPs.

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents, their men and subordinates or any other persons authorised by claiming through them from interfering with the peaceful possession of the petitioner of the land measuring to an extent of 20 cents and 25 cents comprised in Survey No.310/1 (Part) and 310/1B (Part)

respectively, Errappatty Village, Booganahalli Revenue Village, Palacode Taluk, Dharmapuri District, without following the due process of law.

For petitioner in
both the WPs : Mr. R. Dhanasekar

For respondents in : Mr. P.S. Sivashanmugasundaram
both the WPs Special Government Pleader

COMMON ORDER

(Order of the Court was made by M. VENUGOPAL, J.)

The petitioners seek a writ of mandamus forbearing the respondents, their men and subordinates or any other persons authorised by claiming through them from interfering with the peaceful possession of their lands measuring to an extent of 20 cents and 25 cents comprised in Survey Nos.310/1 (Part) and 310/1B (Part) respectively at Errappatty Village, Booganahalli Revenue Village, Palacode Taluk, Dharmapuri District, without following the due process of law.

2 In W.P. No.6866 of 2015, on behalf of the second respondent, a counter affidavit dated 07.03.2015 has been filed before this Court, wherein, at paragraph nos.3 and 4, it has been stated as under:

"3. It is submitted that as contended by the writ petition the above said land is not a Government Poramboke land. But it is a patta land as stated in pre para.

4. While that facts remain so, on 26.01.2015, no officials of the second respondent along with respondent entered the petitioners land and informed him that he should vacate the land immediately, failing which they would take forcible action to eviction from the said lands as contended by the petitioners never threatened lawful possession and enjoyment of the petitioner in the said land. It is submitted that no illegal action was taken by the respondents 2 to 4 herein: however, as stated by the petitioner. It is false to say that officials of the second respondent came to his land along with police officials and proclaimed that they would evict the petitioner from the land. The land in S.No.310/1A or other Sub Divisions are not required for any urgent public purpose or any other purpose as contended by the petitioner."

3 That apart, in W.P. No.6867 of 2015, a counter affidavit dated 07.03.2015 has been filed on behalf of the second respondent, wherein, at paragraph no.3, it has been stated that the said land is a patta land and that the respondents are not desirous of disturbing the petitioner in any way.

4 In view of the clear statement made by the second respondent in the counter affidavits to the effect that they are not going to disturb the petitioners in any way, recording the same, this Court closes the writ petitions as no further orders are necessary. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Asst. Registrar (CS-IV)

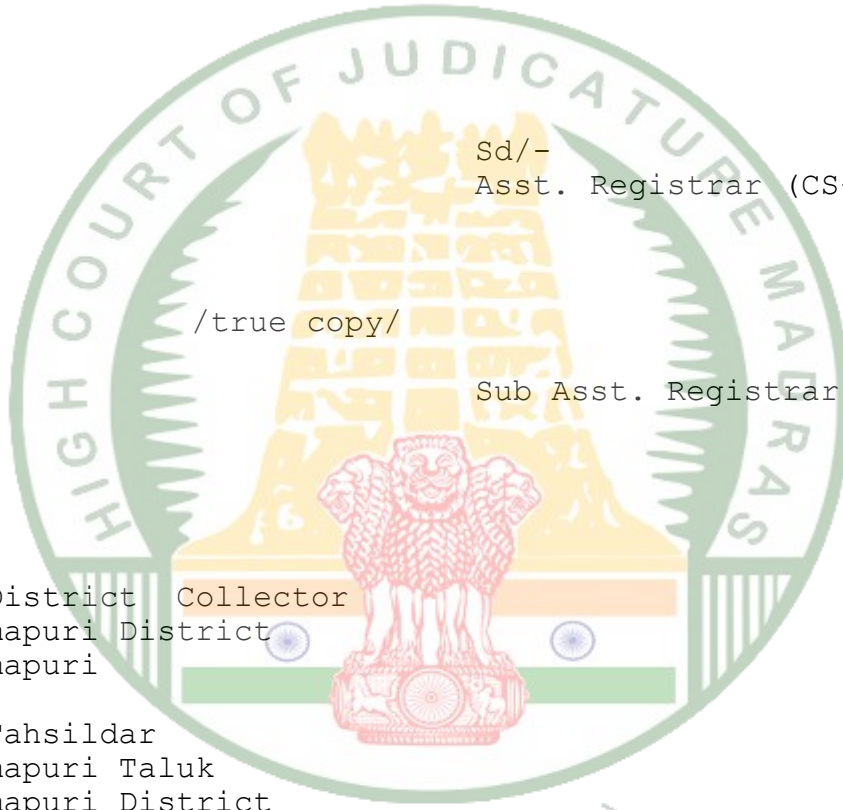
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Sub Asst. Registrar.

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To

- 1 The District Collector
Dharmapuri District
Dharmapuri
- 2 The Tahsildar
Dharmapuri Taluk
Dharmapuri District
- 3 The President
Booganahalli Panchayat
Palacode Taluk
Dharmapuri District



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4 The Village Administrative Officer
Booganahalli Panchayat
Booganahalli Post
Palacode Taluk
Dharmapuri District

2CCS to M/s.R.Thamarai Selvam, Advocate SR 19544

W.P. Nos.6866 and 6867 of 2015

SAI [CO]
PSI 22.04.2015



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