

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.12270 of 2016
and
WMP.No.10615 of 2016

V.Nallusamy

.. Petitioner

Vs.

1. The District Collector
Salem District
Salem.

2. The Revenue Divisional Officer
Athur, Salem District.

3. The Tahsildar
Gangavalli Taluk, Gangavalli
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 15.02.2016 and forbearing the respondents from interfering with the possession in house property of the petitioner situated in Door No.19/14B, 13th Ward, nearby to the Village Road, between Chinnathoppu Mariamman Temple Point through the Panamthoppu Mariamman Koil touching the Thammampatti to Thuraiyur Main Road at both ends in Kattukottai, Thammampatti Village, Gangavalli Taluk, Salem District, except due process of law.

For Petitioner : Mr.V.Ravi

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner claims that he is residing at Door No.19/14B, Panamthoppu, Kattukottai, Thammampatti Village, Gangavalli Taluk, Salem District, with his family for very many years and the respondents without notice had tried to evict him and their family in 2009, which had resulted in filing of Writ Petition in W.P.No.17636 of 2009 by his wife and it was disposed of this Court on the undertaking given by the respondents that the petitioner's property will not be affected and if there is any encroachment or unauthorised construction in the survey number of the petitioner, action will be taken only after issuing notice to the petitioner and not otherwise. The grievance now expressed by the petitioner is that once again the respondents, without due recourse of law, are trying to evict the petitioner from the premises, which is in his occupation though the petition stated property is in statutory accommodation.

3. The learned counsel for the petitioner submits that this Court on 28.08.2009 disposed of the Writ Petition in W.P.Nos.17636 of 2009 filed by the petitioner's wife and the respondents are bent upon the same and trying to evict the petitioner without recourse of law and prays for necessary order.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submits that in the light of the undertaking given in W.P.No.17636 of 2009 which came to be disposed of on 28.08.2009, in the event of evicting the petitioner, the respondents will resort to due process of law. The said submissions of the learned Additional Government Pleader, on instructions, is placed on record.

5. This Court heard the submissions of Mr.V.Ravi, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

6. Though the petitioner has prayed for the larger relief, this Court in the light of the facts and circumstances, without going into the merits of the representation dated 15.02.2016 submitted by the petitioner, directs the third respondent to consider and dispose of the petitioner's representation dated 15.02.2016 on merits and in accordance with law and after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

mra

To

1. The District Collector
Salem District
Salem.
2. The Revenue Divisional Officer
Athur, Salem District.
3. The Tahsildar
Gangavalli Taluk, Gangavalli
Salem District.

1 cc to Mr.V. Ravi, Advocate, Sr. 30816
1 cc to Government Pleader, Sr. 30929

W.P.No.12270 of 2016

SKV (CO)
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