

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16374 of 2016

Krishnan

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Perambalur District.
Tamilnadu 621 212.
2. Adi Dravida Welfare Officer,
Office of Adi Dravida Welfare Officer,
Collectorate, Perambalur District,
Tamilnadu 621 212.
3. The Tahsildar,
Office of Tahsildar,
Veppanthattai Taluk,
Tamilnadu, Pin 621 116.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Prohibition to prohibit the respondents from evicting the petitioner from his house situated in Resurvey No.64/9, bearing Door No.1/172 totally measuring an area of 3488 sq.ft of Venbhavoor Village Panchayat, Veppanthattai, Perambalur District.

For Petitioner :Mr.A.P.Surya Prakasam

For Respondent :Mr.S.Navaneethan,
Addl.Govt.Pleader

O R D E R

With the consent of both parties, the writ petition is taken up for hearing at the stage of admission itself.

2. The petitioner has come forward with this Writ Petition seeking for issuance of Writ of Prohibition to prohibit the respondents from evicting the petitioner from his house situated in Resurvey No.64/9, bearing Door No.1/172 totally measuring an area of 3488 sq.ft of Venbhavoor Village Panchayat, Veppanthattai, Perambalur District.

3. The petitioner has purchased a piece of land situate in Resurvey No.64/9, bearing Door No.1/172, totally measuring an extent of 3488 sq.ft. of venbhavoor Village Panchayat, Veppanthattai, Perambalur District from one Mrs.G.Rajavalli, by a registered sale deed dated 19.4.2000, registered as Document No.638 of 2000 at S.R.O., Veppanthattai. After purchasing the above said property, the petitioner constructed a small tiled house and has been living with his family for the past sixteen years without any hindrance by paying house tax, water tax and also electricity service connection charges.

4. Whiles, on 8.4.2016, the officials from the respondent office have visited petitioner's house and informed him that he has to remove the entire superstructure and has to leave the place immediately, failing which, they would demolish his house with the help of machineries.

5. It is the further case of the petitioner that he is a poor agriculturist and the above said land was purchased by him in the year 2000 and the respondents, without issuing any show cause notice or without giving him an opportunity to prove his title, are attempting to evict him forcibly without following any due process of law and in consequence of which, now the respondents are threatening to evict him. Hence, the petitioner, left with no other alternative, has filed the present writ petition praying to prevent the respondents from dispossessing the petitioner from his property without following due process of law.

6. I have heard the submissions made by the learned counsel for the petitioner and the learned Addl. Govt. Pleader appearing for the respondents.

7. Considering the submissions on either side, this Court is not inclined to give any positive direction as sought for by this petitioner, however, if the respondents are having any inclination to evict the petitioner, the respondents are directed to give notice to the petitioner before evicting him and proceed further in accordance with law.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

msr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TO

1. The District Collector,
Collectorate,
Perambalur District.
Tamilnadu 621 212.
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Office of Adi Dravida Welfare Officer,
Collectorate, Perambalur District,
Tamilnadu 621 212.
 3. The Tahsildar,
Office of Tahsildar,
Veppanthattai Taluk,
Tamilnadu, Pin 621 116.
- + 1 cc to Mr.A.P.Surya Prakasam, Advocate S.R.No.22817
+ 1 cc to the Government Pleader, S.R.No.28007

KR/10/6/16

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