

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.26279 of 2016

James Selvakumar

... Petitioner

-Vs-

1. District Collector
Salem-1
2. District Revenue Officer
Salem-1
3. Revenue Divisional Officer
Salem-1
4. Tahsildar
Yercaud Taluk
Yercaud 636 601
5. Village Administrative Officer
Muluvi Village
Yercaud Taluk

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the Respondent Nos.1 to 5 from evicting the petitioner from the property comprised in S.F.No.9/2, 10 and 10/2, Elavadi Village, Yercaud Taluk, Salem otherwise than by due process of law.

For Petitioner : Mr.S.Kalyanaraman

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

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

The petitioner seeks for issuance of a writ of mandamus, forbearing the respondents from evicting the petitioner from the property comprised in S.F.No.9/2, 10 and 10/2, Elavadi Village, Yercaud Taluk, Salem otherwise than by due process of law.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader taking notice on behalf of the respondents.

3. It appears that the petitioner is the owner of the property viz., 30 cents of land comprised in S.F.Nos.9/2, 10 and 10/2, Elavadi Village, Yercaud Taluk, Salem and is cultivating the land by growing coffee, silver oak, orange, pepper, coconut, jackfruit, silk cotton trees etc., and also paying the 2A kist to the Government in respect of the said property. According to the petitioner, his family has been in possession of the said property for over four decades and the said land is adjoining the patta lands owned by his parents. It also appears that a suit is also pending before the civil Court covering the subject property. The grievance of the petitioner is that, at the instance of the President of Nagalur Panchayat and his neighbours and some villagers, the respondents are attempting to take possession of the subject property without following the due process of law. Hence he is before this Court seeking to forbear the respondents from evicting the petitioner from the property in question otherwise than by due process of law.

4. Having heard the learned counsel on either side, it is for the respondents to take action for eviction in respect of the subject property only after following the due process of law. The writ petition stands disposed of accordingly. Consequently, W.M.P.No.22530 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

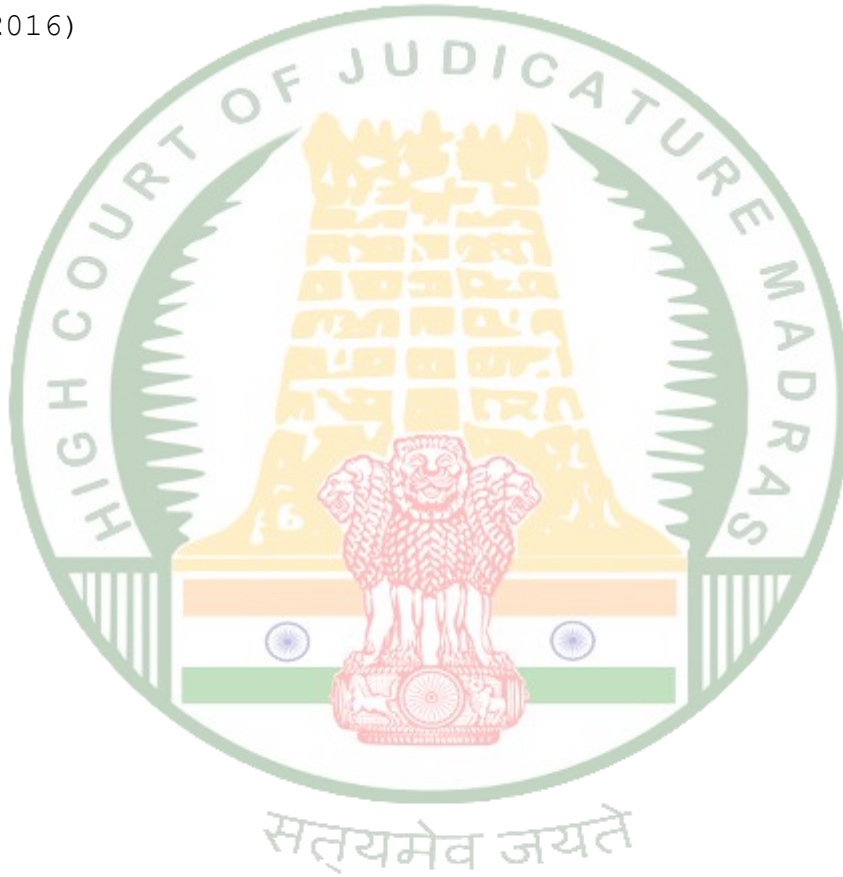
1. The District Collector
Salem-1
2. The District Revenue Officer
Salem-1
3. The Revenue Divisional Officer
Salem-1
4. The Tahsildar
Yercaud Taluk
Yercaud 636 601

5. The Village Administrative Officer
Muluvi Village
Yercaud Taluk

+1cc to Mr.S.Kalyanaraman, Advocate, S.R.No.44258
+1cc to the Government Pleader, S.R.No.44853

W.P.No.26279 of 2016

GJ(CO)
CA(30/08/2016)



WEB COPY