

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.32150 of 2016
and

W.M.P.No.27896 of 2016

Mariammal

... Petitioner

Vs.

1.The Collector,
Villupuram District.

2.The Sub Collector,
Tindivanam,
Villupuram District.

3.The Tahsildar,
Marakkanam Taluk.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the respondents from evicting the petitioner from her house situated at No.4, Kolathur Main Road, Kolathur Village, Marakkanam Taluk, Villupuram District, except by due process of law.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.P.S.Sivashanmugasundaram, SGP

ORDER

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

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

2. The prayer made in the writ petition is to issue a writ of Mandamus, forbearing the respondents from evicting the petitioner from her house situated at No.4, Kolathur Main Road, Kolathur Village, Marakkanam Taluk, Villupuram District, except by due process of law.

3. According to the petitioner, she has been in possession and enjoyment of Kallanguthu poromboke land in Kolathur Village by constructing a house. She has been issued with ration card, Aadhar Card etc. and she is regularly paying the property tax and electricity consumption charges to the authorities concerned. She has also applied for issuance of patta in respect of her property. While so, she came to understand that the third respondent has issued a notice dated 18.07.2016 under Section 7 of the Act to her neighbours stating that they are occupying the Government land without permission and calling upon them to submit their explanation as to why they should not be evicted from the said land. Though no such notice was issued to the petitioner for eviction, the respondents are threatening her without notice. Therefore, she has filed the present writ petition for the above stated relief.

4. Heard Mr.J.Antony Jesus, learned counsel for the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. Admittedly, the petitioner was not served with any notice under Section 7 of the Act. Apprehending eviction by the respondents, she has come to this Court. Therefore, no order is required to be passed in this writ petition. However, we are of the view that the appellate remedy is always available to the petitioner under Section 10-A of the Act as against any adverse order passed by the respondents and the appeal lies before the District Collector. If the respondents are going to take any action against the petitioner, it is for them to do the same, under due process of law, in compliance with the principles of natural justice.

6. In case, the third respondent has already issued a notice under Section 7 of the Act to the petitioner like that of her neighbours, it is for the petitioner either to give reply to the notice or to file appeal/revision before the District Collector and produce all the materials in support of her claim, within a period of one month from the date of receipt of a copy of this order. On receipt of the same, the authority concerned shall consider the same and pass necessary orders in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of two months thereafter. Until a decision be taken by the authority concerned, the parties are directed to maintain status quo as on today.

7. Accordingly, the writ petition is disposed of. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rk

To

1.The Collector, Villupuram District.

2.The Sub Collector,
Tindivanam, Villupuram District.

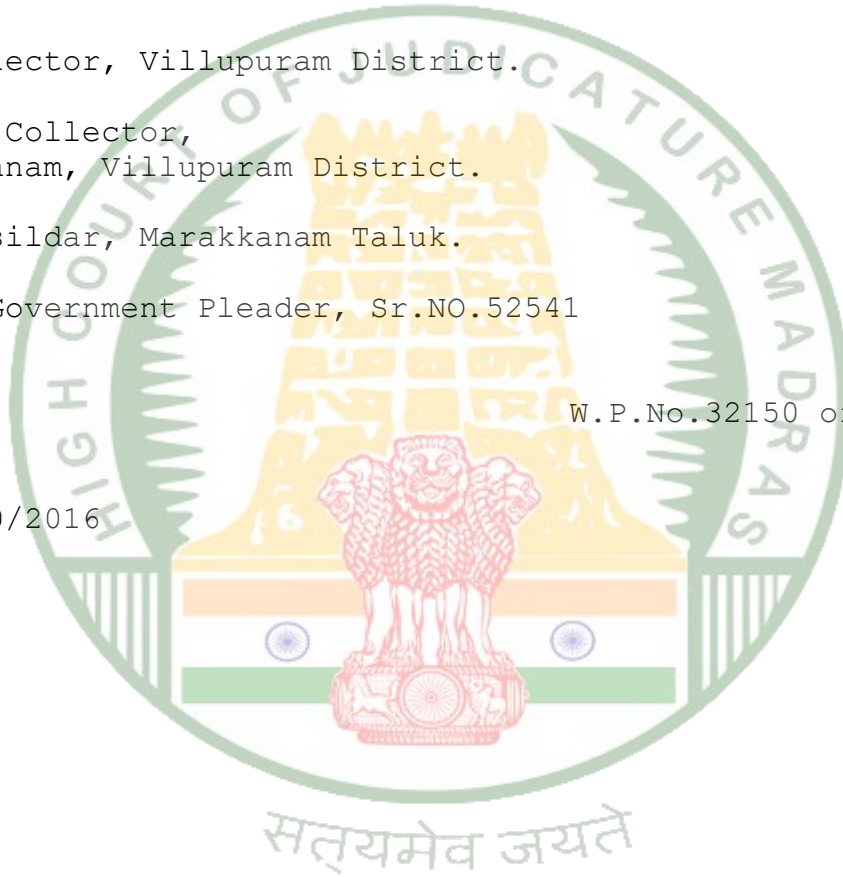
3.The Tahsildar, Marakkanam Taluk.

+1 CC to Government Pleader, Sr.NO.52541

W.P.No.32150 of 2016

SSK (CO)

MD : 13/10/2016



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