

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.42738 of 2016

1.Sivakami

2.Ammasi

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Tirupur.

2.The District Revenue Officer,
Avinashi Tauk,
Tirupur.

3.The Tahsildar,
Avinashi Taluk,
Tirupur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, forbearing the 3rd respondent from interfering with the peaceful possession of the petitioner's property, comprised in Survey No.486/13, situated at Mudalipalayam, Pappankulam Village, Avinashi Taluk, Tirupur District, which is morefully mentioned in the Schedule without following the due process of law.

For Petitioners : Mr.P.Tamilavel

For Respondents : Mr.S.Rajeswaran,
Special Government Pleader

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O R D E R

Seeking to forbear the 3rd respondent from interfering with the peaceful possession of their property comprised in Survey No.486/13, situated at Mudalipalayam, Pappankulam Village, Avinashi Taluk, Tirupur District, petitioners have come up with this Writ Petition.

2. According to the petitioners, they are in possession and enjoyment of the property in question, after the death of the 1st petitioner's father and mother. When one Chennimalai Gounder and one Anandhan residing adjacent to their property prevented their peaceful enjoyment of the property, they filed a suit in O.S.No.45 of 2015 on the file of the District Munsif Court, Avinashi and obtained an order of injunction in I.A.No.184 of 2015, which was later made absolute.

3. It is the case of the petitioners that the 3rd respondent, at the instigation of the said Anandhan, without giving them any notice, tried to demolish the western side of their house, stating that it is a Government land.

4. Learned counsel for the petitioners contended that even assuming that the property in question is a Government land, demolition can be initiated only in accordance with law, after giving notice to the parties.

5. In reply, learned Special Government Pleader submitted that the respondents will initiate demolition work only by following due process of law.

6. In view of the above, without expressing any opinion on the merits of the case, this Writ Petition is disposed of with the following direction.

"The respondent is at liberty to proceed in accordance with law, if the property in question in possession of the petitioners is found to be a Government land, purchased illegally or without any basis."

No costs. Consequently, connected W.M.P.No.36666 of 2016 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Collectorate,
Tirupur.

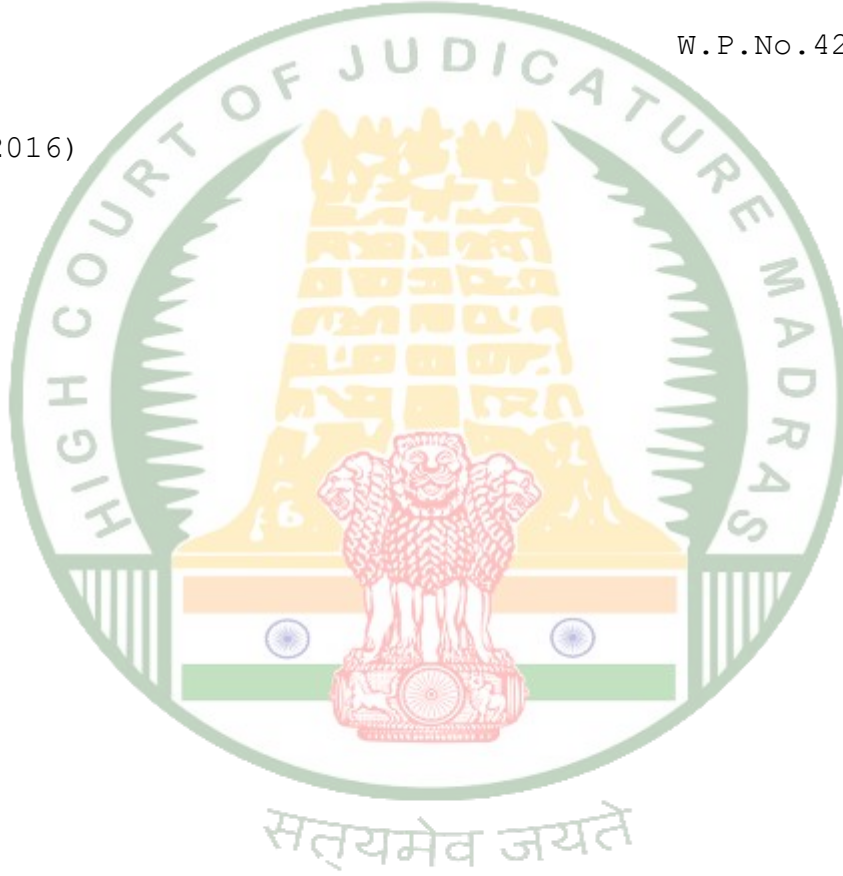
2.The District Revenue Officer,
Avinashi Tauk,
Tirupur.

3.The Tahsildar,
Avinashi Taluk,
Tirupur.

+lcc to Mr.P.Tamilavel, Advocate, S.R.No.72537
+lcc to the Government Pleader, S.R.No.72243

W.P.No.42738 of 2016

SCD(CO)
CA(29/12/2016)



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