



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.21452 of 2016

and W.M.P(MD)No.15331 of 2016

M.Panneer Selvam

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

3.The Tasildhar,
Bodinayakkanur Taluk,
Theni District.

4.The Block Development Officer,
Bodinayakkanur Union,
Theni District.

5.The Executive Officer,
Anaikaraipatti, B.Meenakshipuram,
Bodinayakkanur Taluk,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from in any manner evict the petitioner from the land, measuring 1 acre 8 cents, more particularly western 20 cents comprised in Survey Nos.55/2 and 55/3 in Anaikaraipatti Village, Bodinayakkanur Taluk, Theni District without due process of law.

For Petitioner

: Mr.R.Suriya Narayanan

For RR 1 to 3

: Mr.V.Muruganandham

Additional Government Pleader

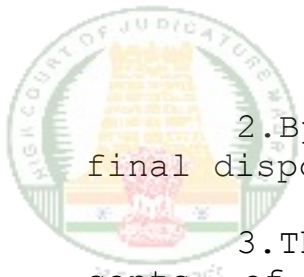
For RR 4 & 5

: Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



2. By consent, the Writ Petition itself is taken up for final disposal.

3. The petitioner claims to be in possession of 1 acre 8 cents of land comprised in Survey Nos. 55/2 and 55/3 in Anaikaraipatti Village, Bodinayakkanur Taluk, Theni District.

4. According to the petitioner, originally the land in dispute was assigned to one Archunan. Subsequently, the parents of the petitioner purchased the said land by means of a registered sale deed and they have been in continuous possession and enjoyment of the said property. Subsequently, in the year 2000, the land was classified as poramboke and a 'B' memo was also issued to him and he is also paying 'B' memo charge till today. Further, according to the petitioner, on 26.10.2016, the third respondent approached the petitioner and asked him to leave an extent of 20 cents land on the Western side in Survey No. 55/2, as it is required for veterinary hospital. The petitioner raised objection for the same. Now, the authorities are taking steps to evict him, without following the due process of law.

5. The learned counsel for the petitioner submitted that the petitioner is not an encroacher of the Government land, but he is a bonafide purchaser, purchased the land for a valuable consideration and made developments in the land and changed the same into cultivable lands and raised cane crops and coconut trees for the past four decades. The learned counsel for the petitioner would further submit that by virtue of the sale deed, the petitioner is the absolute owner of the property and it is wrongly classified as poramboke.

6. Since the petitioner is claiming title over the property, it is for him to approach the civil Court to declare his title over the property and he cannot maintain a Writ Petition seeking the above relief, as the relief sought by the petitioner cannot be granted in the Writ Petition.

7. In the result, this Writ Petition is dismissed. However, it is always open to the petitioner to approach the competent civil Court seeking necessary relief. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Theni District.

2.The Revenue Divisional Officer,
Uthamapalayam,
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B.Meenakshipuram,
Bodinayakkanur Taluk,
Theni District.

+1 cc to Mr.R.Suriyanarayanan,Advocate Sr.No.67087

+1 cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.67444

W.P (MD) No.21452 of 2016
09.11.2016

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