



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.23726 of 2016

and

W.M.P. (MD) No.17058 of 2016

K.J.Naveen Kumar

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Superintending Engineer,
Highways (Circle),
Madurai.

3.The Divisional Engineer,
Highways (Planning),
Perumalpuram,
Tirunelveli-7.

4.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

5.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, forbearing the respondents from acquiring the petitioner's property in Survey No.395/B3 A3 of Kulavanigarpuram Village, Melapalayam, Palayamkottai Taluk, Tirunelveli District except under the process of law.

For Petitioner : Mr.V.Sasikumar

For Respondents 1to3&5: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

For Respondent No.4 : Mr.Aayiram K.Selvakumar,
Government Advocate



O R D E R

Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, takes notice for the respondents 1 to 3 and 5. Mr.Aayiram K.Selvakumar, learned Government Advocate, takes notice for the fourth respondent and by consent of parties, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for a Mandamus, to forbear the respondents from acquiring his land at Survey No.395/B3 A3 of Kulavanigarpuram Village, Melapalayam, Palayamkottai Taluk, Tirunelveli District, except under due process of law.

3. The learned counsel appearing for the petitioner submits that the petitioner is in possession and enjoyment of the subject matter of property for long number of years and the same is his private patta land, with which, the respondents cannot interfere by way of any acquisition proceedings. I do not think that the petitioner can prevent the authorities from exercising their power vested under the relevant Statute to acquire the land for a purpose, for which, such acquisition is proposed. Such power of eminent domain cannot be questioned by the petitioner. But, at the same time, needless to say that these authorities cannot dispossess the petitioner, if he is in possession and enjoyment of the property, except by due process of law. Therefore, I find that the present grievance of the petitioner has to be construed only to the effect that his possession should not be disturbed except by due process of law.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 and the learned Government Advocate appearing for the fourth respondent submitted that if any proposal to acquire the land of the petitioner is taken and if the petitioner is in possession and enjoyment of the same, they will certainly resort to the due procedure available under the law and evict him.

5. Recording the above said submission, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Superintending Engineer,
Highways (Circle),
Madurai.
- 3.The Divisional Engineer,
Highways (Planning),
Perumalpuram,
Tirunelveli-7.
- 4.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
- 5.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

+One cc to Mr.V.Sasikumar, Advocate, SR.No.80058

+One cc to Mr.Aayiram K.Selvakumar, Advocate, SR.No.80093

+One cc to The Special Government Pleader, SR.No.79998

SML

RL/9C/3P/SS2/SARI/12.12.2016

Order made in
W.P. (MD) No.23726 of 2016

Dated: 07.12.2016