



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **08.12.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.7394 of 2011

and

M.P (MD) Nos.1 and 2 of 2011

M.Vasudevan

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

3.The Revenue Inspector,
Aranthangi Town,
Pudukkottai District.

4.The Village Administrative Officer,
Kummakkadu,
Aranthangi Taluk,
Pudukkottai 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 from evicting the petitioner from the house bearing No.54 Pattukkottai Road-4, Aranthangi, Pudukkottai District.

For Petitioner

: Mr.T.Lenin Kumar

For Respondents

: Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to restrain the respondents from evicting the petitioner from the house bearing Door No.54 situates in Pattukkottai Road, Aranthangai, Pudukkottai District, by way of issuing a writ of mandamus.



2.It is averred in the petition that the petitioner is the owner of the house bearing Door No.54 and the same is situate in the land belongs to Samasthanam in which the respondents are not having any right. Now the respondents are making arrangements to evict the petitioner. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has contended that the house bearing Door No.54 belongs to the petitioner and the same is situate in the land which belongs to Samasthanam and since the said land does not belong to the Government, the respondents are not having authority to evict the petitioner and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

4.The learned Special Government Pleader appearing for the respondents has contended to the effect that the house bearing No.54 is situate in Survey No.8/4 and its corresponding old Survey No.14 and the same has been classified as a water body and further in the notice given to the petitioner Survey No.8/4 is mentioned and therefore the relief sought in the petition cannot be granted.

5.The consistent case putforth on the side of the petitioner is that the house bearing Door No.54 is his absolute property and the land in which the said house is situate is the absolute property of Samasthanam. For the purpose of proving the same, no document has been filed.

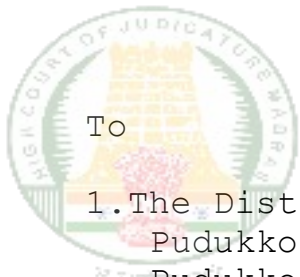
6.As per the direction of this Court, the respondents have submitted all the relevant revenue records, wherein it has been clearly stated that Survey No.8/4 is classified as a water body. Since Survey No.8/4 is a water body and since sufficient documents are available that the house mentioned in the petition is situate in Survey No.8/4, the relief sought in the petition cannot be granted. However the following direction can be given to the respondents.

7.In fine, this writ petition is dismissed without costs. However the respondents are strictly directed to issue a show cause notice to the petitioner before taking eviction proceedings and after giving sufficient opportunity to the petitioner, the respondents are at liberty to proceed with eviction proceedings. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(RTI)

/True copy/



To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

3.The Revenue Inspector,
Aranthangi Town,
Pudukkottai District.

4.The Village Administrative Officer,
Kummaikkadu,
Aranthangi Taluk,
Pudukkottai District.

+1 cc to M/s.T.Lenin Kumar, Advocate in SR.No.80153

+1 cc to The Special Government Pleader in SR.No.80524

SMN

CSL/PV/SAR-II/15.12.2016 :3P/7C

ORDER MADE IN
W.P(MD)No.7394 of 2011
and
M.P(MD)Nos.1 and 2 of 2011
08.12.2016