

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5861 of 2017

S.Ammasi Gounder ... Petitioner

Vs.

1.The District Collector
Collectorate
Tiruppur District.

2.The Sub Collector
Tiruppur District.

3.The District Revenue Officer
Avinashi Taluk, Tiruppur District.

4.The Tahsildhar
Avinashi Taluk
Tiruppur District.

5.Anandan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the record pertaining to Na.Ka. 172/2017/A5, dated 27.02.2017 passed by the 2nd respondent and quash the same.

For Petitioner

Mr.P.Tamilavel

For Respondents

Mr.R.Vijayakumar
Addl. Government Pleader
for respondents 1 to 4

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondents 1 to 4.

2. The petitioner has filed this writ petition seeking issuance of a Writ of Certiorari calling for the record pertaining to Na.Ka. 172/2017/A5, dated 27.02.2017 passed by the 2nd respondent and quash the same.

3. The petitioner purchased the property under a sale deed. It is alleged that the fifth respondent (neighbour) started interfering with the possession of the petitioner and challenging the same the petitioner filed O.S.No.45 of 2015 and obtained an order of injunction. It is his plea that the fifth respondent (neighbour) instigated the Tahsildar to demolish the western side of the house of the petitioner stating that it is built on poramboke land. The petitioner filed W.P.No.43738 of 2016 to forbear the respondent authorities from interfering with his possession. This Court, by order dated 7.12.2016, directed the respondent authorities to issue notice to the petitioner and take necessary action. The respondent authorities after conducting enquiry passed the impugned order dated 27.2.2017 holding that the subject property is a natham poramboke and directed eviction of the petitioner. Assailing the same, the present writ petition is filed.

4. On hearing the learned counsel for the parties, we direct the petitioner to file an appeal before the Taluk Committee in terms of G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 4.12.2014, as modified by G.O.Ms.No.148, Revenue [LD6(2)] Department, dated 24.3.2016, within two weeks from the date of receipt of a copy of this order. Thereafter, the Committee shall consider the appeal and pass appropriate orders in accordance with law. Till the disposal of the appeal, no coercive action shall be initiated against the petitioner.

The petition is disposed of accordingly. No costs. Consequently, W.M.P.No.6272 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1.The District Collector
Collectorate
Tiruppur District.

2.The Sub Collector
Tiruppur District.

3.The District Revenue Officer
Avinashi Taluk, Tiruppur District.

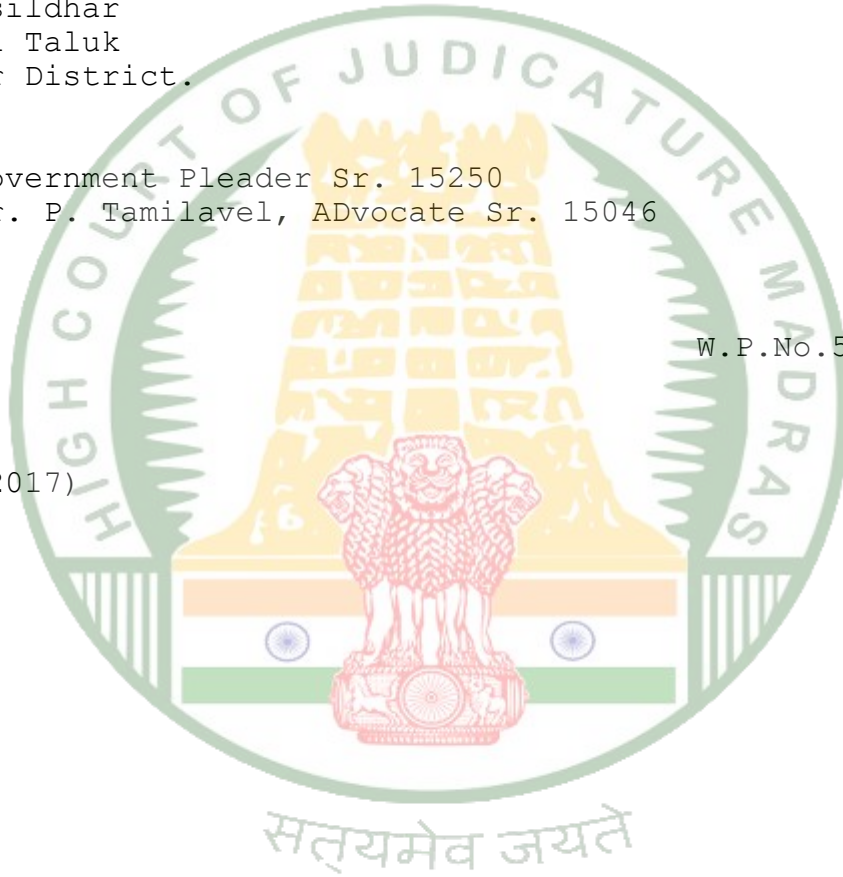
4.The Tahsildhar
Avinashi Taluk
Tiruppur District.

+1cc to Government Pleader Sr. 15250

+1cc to Mr. P. Tamilavel, Advocate Sr. 15046

W.P.No.5861 of 2017

NM(CO)
VR(20/03/2017)



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