

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.911 of 2013
and
M.P. No. 1 of 2013

Magudeeswari

.. Petitioner

Vs.

1. The District Collector
Tiruppur

2. The Tahsildar
Udumalpet
Tiruppur District.

3. T.K. Puviarasu

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 from in any way interfering with the peaceful possession and enjoyment of the petitioner's property to an extent of 1720 sq.ft. of land situated in S.F. No. 36/1, Devanurpudur Village, Udumalpet Taluk, Tirupur District and pass further orders.

For Petitioner : Mr.M.N. Balakrishnan

For Respondents : Mr. S. Navaneethan
Addl. Govt. Pleader for R1 & R2

No Appearance for R3

O R D E R

This Writ Petition has been filed restraining the respondents 1 and 2 from in any way interfering with the peaceful possession and enjoyment of the petitioner's property to an extent of 1720 sq.ft. of land situated in S.F. No. 36/1, Devanurpudur Village, Udumalpet Taluk, Tirupur District.

2. Learned counsel for the petitioner submitted that the petitioner acquired the subject property from his mother Chinnakkannu by a settlement deed, which was purchased by her from the 3rd respondent. Recently, the petitioner came to know that the subject property is within the acquired portion of the

land, by the Adi Dravidar Welfare Department, Pollachi. On verification, the petitioner came to know that inadvertently the subject property has been included in the acquired lands, since the adjoining portion of the land are being used by the public for construction of houses. Further, the respondent 1 and 2 are trying to construct a tank in the subject property. Hence, the petitioner has filed this Writ Petition.

3. Learned Additional Government Pleader submitted that the representation of the petitioner dated 13.12.2012 itself would disclose that the said property has been acquired by the Adi Dravidar Welfare Department and therefore the petitioner cannot have any legal right over the subject property. He further submitted that subsequently an overhead tank has also been constructed in the subject land. It is further submitted that the petitioner has also filed a suit in O.S. No. 480 of 2010 before the District Munsif Court, Udumalpet and the same is pending.

4. In view of the submissions of the learned Additional Government Pleader, this Court is of the considered view that the prayer of the writ petitioner cannot be entertained. Therefore, the writ petition is dismissed. Consequently, the connected M.P is closed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

avr

To

1. The District Collector
Tiruppur

2. The Tahsildar
Udumalpet, Tiruppur District.

+1cc to Mr.M.N.Balakrishnan, Advocate sr.1086

+1cc to Government Pleader sr.1679

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msm(co)
ss(1/3/2017)