

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.29 of 2011

K.Eswaran

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Sulur, Coimbatore District.

3.The Deputy Tahsildar,
Sulur, Coimbatore District.

4.The Revenue Inspector,
Sulur,
Coimbatore District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents from any manner interfering with the possession and enjoyment of the petitioner's property in Survey.No.16/2A bearing Door No.1/77 and 1/77A, Kumarapalayam, Kadampadi Village & Post, Sulur Taluk, Coimbatore District.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.S.Gunasekaran

Additional Government Pleader

ORDER

Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has approached this Court for seeking the following relief,

“To issue a Writ of Mandamus, to forbear the respondents from any manner interfering with the possession and enjoyment of the petitioner's property in Survey.No.16/2A bearing Door No.1/77 and 1/77A, Kumarapalayam, Kadampadi Village & Post, Sulur Taluk, Coimbatore District.”

3. The case of the petitioner is as follows:-

According to the petitioner, his father by registered settlement deed dated 01.03.1991, settled a house bearing New No.1/77, measuring 825 sq.ft. and land adjacent to the said house measuring $2773 \frac{3}{4}$ sq.ft. in Survey No.16/2A at Kadampadi Panchayat, Sulur Taluk, coimbatore District. The said property has been allotted to the share of the petitioner's father by way of partition deed dated 06.06.1961. The petitioner's father was in possession and enjoyment of the above said property even before the birth

of the petitioner.

4. The petitioner had put up a factory in the vacant land adjacent to his house and constructed a wall in the public pathway, which caused hindrance to the residents of Kadampadi village. Therefore, the residents of the said village have given a complaint to the respondents to retrieve the public pathway.

5. The learned counsel appearing for the petitioner would submit that the respondents have demolished the factory of the petitioner and also informed the petitioner that they are going to demolish his house also within a few days.

6. Upon notice, the learned Additional Government Pleader appearing for the respondents entered appearance and filed a detailed counter. In the counter, it is admitted that the property under occupation of the petitioner is Natham Poramboke (oor Natham). It is also stated in paragraph 12 of the affidavit that the apprehension expressed by the petitioner that the respondents are attempting to demolish the premises under occupation of the petitioner, was imaginary and contrary to the facts.

7. According to the respondents, they have never attempted to demolish the premises of the petitioner. The averments made in the counter affidavit is hereby recorded. In view of the clear averments in the counter affidavit allaying the apprehension of the petitioner, no adjudication is called for in the present writ petition and therefore, the same is closed. No costs.

09.11.2017

Index : yes/No

Internet : Yes

Speaking/Non-speaking order

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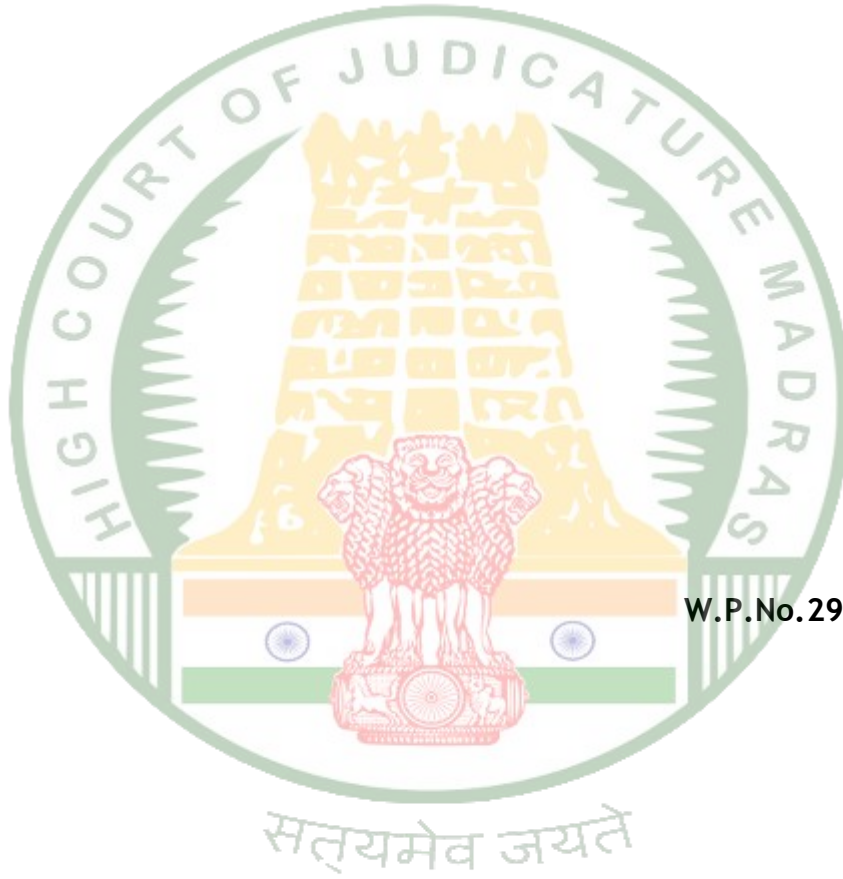
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V.PARTHIBAN,J.

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