

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.23337 OF 2004 and
WPMP.Nos.28258 and 28259 of 2004

1. A.V.Subramania Nainar
2. Palani
3. Thandayuthapani

... Petitioners

Vs

1. The District Collector,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri.
3. The Tahsildar,
Adi Dravidar Welfare,
Krishnagiri.
4. The President,
Marudari Panchayat,
Marudari,
Pochampalli Taluk,
Krishnagiri District.
5. The Inspector,
Nagarasampatti Police Station,
Krishnagiri District.
6. Adi Dravida Caste People of
Agaram Village rep. by Sankar,
S/o.Japan @ Perumal

7. Kuppi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents not to disturb the peaceful possession and enjoyment of the property in Survey Nos.456/2, 457/1, 457/2, 635/1C, 139/1 of Marudeeri Village, Pochampalli Taluk, Krishnagiri District by the petitioners and to direct the 5th respondent to protect the petitioners and their property by giving police aid as and when necessary.

(Prayer amended as per Order dated 28.02.2005 in WMP.4603/2005)

For petitioners : No representation

For respondents : Mr.A.Zakkir Hussain,
1 to 5 Government Advocate

For 6th respondent : Mr.N.E.A.Dinesh

O R D E R

The matter is listed today under the caption, ''for dismissal'' since there was no representation for the petitioners on 22.08.2017. Even today, when the matter is called, there is no representation for the petitioners. Hence, this Court is left with no other option except to proceed with the case in accordance with law.

2. The facts of the case are as follows:

(a) After partition, the family members of the petitioners are enjoying their respective shares in their patta lands in S.Nos.457/1 and 457/2 of Marudeeri Village. Just abutting their lands, there is 20 cents of land classified as Poramboke which was annexed with the petitioners lands by their ancestors and they invested the labour and capital to make it a Coconut Thoppu.

(b) While so, the Government, for the purpose of establishing grave yard measuring about 93 cents (in part 4), the Government acquired the lands under a Notification in G.O.Ms.243 SED dated 27.09.1983 and the same was objected by way of approaching the High Court and the said objection was over ruled and a proposal of acquisition is continued. Against which, the present Writ Petition has been filed by the petitioners seeking Mandamus, directing the respondents not to disturb the peaceful possession and enjoyment of the property in Survey Nos.456/2, 457/1, 457/2, 635/1C, 139/1 of Marudeeri Village, Pochampalli Taluk, Krishnagiri District by the petitioners and to direct the 5th respondent to protect the petitioners and their property by giving police aid as and when necessary.

3. Under such circumstances, this Court is of the view that Mandamus cannot be issued as against the Land Acquisition Proceedings. The Government eminent domain acquired the lands in the manner known to law. Without due process of law, no land could be acquired in violation of Article 300-A of the Constitution of India. Hence, the prayer in the petition cannot be granted.

4. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioners to approach the proper forum, if

they are so aggrieved. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

tsi

To

1. The District Collector,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri.
3. The Tahsildar,
Adi Dravidar Welfare,
Krishnagiri.
4. The President,
Marudari Panchayat,
Marudeeri,
Pochampalli Taluk,
Krishnagiri District.
5. The Inspector,
Nagarasampatti Police Station,
Krishnagiri District.

+1cc to M/s.V.Nicholas, Advocate in sr.no.60091

सत्यमेव जयते

W.P.No.23337 of 2004

PVS (CO)
NR 26/10/2017

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