



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2017**

CORAM:

THE HONOURABLE **MR. JUSTICE K. KALYANASUNDARAM**

W.P.(MD)No.17119 of 2015

and

M.P.(MD)No.1 of 2015

Seethalakshmi

...Petitioner

-Vs-

1.The District Collector,
Pudukkottai District.

2.The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.

3.The President,
Viralimalai Grade-I Panchayat,
Pudukkottai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's land in Natham Survey No.181/5 for an extent of 0.00.90 Ares situated at Viralimalai Village, Viralimalai Taluk, Pudukkottai District.

For Petitioner : Mr.J.Anand Kumar
For R-1 & R-2 : Mr.G.Muthu Kannan,
Government Advocate.
For R-3 : Mr.M.Raja Rajan

ORDER

The present writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's land in Natham Survey No.181/5 for an extent of 0.00.90 Ares situated at viralimalai Village, Viralimalai Taluk, Pudukkottai District.

2. The case of the petitioner is that a land to an extent of 0.00.90 Ares in Natham Survey No.181/5 was assigned in favour of the petitioner by the second respondent. The assignment patta was also issued on 09.10.2003. It is further stated that the petitioner has been in possession and enjoyment of the property by putting up a thatched house. The petitioner's house was assessed by the third respondent and the petitioner has been paying the house tax also.



The petitioner is also provided with electricity service connection. While so, the second respondent, without issuing any notice, started interfering with his possession and enjoyment of the house. On 18.09.2015, there was a threat for demolishing the house. Hence, a detailed representation dated 18.09.2015 was given to the first respondent. Since no action was taken, the present writ petition has been filed.

3. Heard Mr.J.Anand Kumar, learned counsel for the petitioner, Mr.G.Muthu Kannan, learned Government Advocate for the first and second respondents and Mr.M.Raja Rajan, learned counsel for the third respondent.

4. The learned Government Advocate on instructions would fairly submit that the second respondent has not interfered with the possession of the petitioner and in future, only after following the procedure, the possession will be taken from the petitioner.

5. The submission of the learned Government Advocate is recorded. Accordingly, this Writ petition is closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukkottai District.

2.The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.

+1cc to Mr.J.ANANDKUMAR Advocate in SR. No.74014

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 74248

SM

JS/GT/SAR.2/04.09.2017/2P-5C

W.P. (MD) No.17119 of 2015

(2/3)

22.08.2017