



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2017

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAMW.P.(MD)No.12407 of 2011 and
MP(MD)Nos.1 of 2011 & 1 of 2012

Syed Ibrahim Rowther

: Petitioner

-vs-

1. The District Collector,
Sivagangai,
Sivagangai District,
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsidhar,
Devakottai,
Sivagangai District.
4. The Inspector of Police,
Devakottai Town,
Devakottai,
Sivagangai District.

: Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the property situated in Survey No.G3/9 in Devakottai Taluk, Sivagangai, without following due process of law.

For Petitioner : Mr.J.Anandkumar
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is to forbear the respondents from interfering with the peaceful possession and enjoyment of the property situated in Survey No.G3/9 in Devakottai Taluk, Sivagangai, without following due process of law.

2. Heard Mr. J.Anandkumar, learned counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



3.It is seen from the records that the 2nd respondent in para 4 of the counter has stated that Devakottai Town Ward 'G' Block, Town Survey No.9, to an extent of 00141 sq.mtr is classified as 'Natham' and in this place, the petitioner is having a hut to an extent of 0.0042.0 sq. mtr. This court, while passing order in W.P.No.2904 of 2005, dated 24.09.2008, has stated that the patta issued by Thiru.Muthukrishnan, Assistant Settlement Officer, Madurai was held to be a fraudulent patta. Further, the Commissioner of Land Administration, Chennai, in his letter, dated 20.01.2006 instructed the District Collector, Sivagangai not to implement the patta granted by Thiru.Muthukrishnan, Madurai Assistant Settlement Officer.

4.In the case on hand, the respondents admitted that the petitioner has put up a hut in Natham Survey No.9. Hence, the petitioner shall not be evicted without following due process of law.

5.With the above observation, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai,
Sivagangai District,
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsidhar,
Devakottai,
Sivagangai District.
4. The Inspector of Police,
Devakottai Town, Devakottai,
Sivagangai District.

+ 1 CC TO Mr.J.ANANDKUMAR, ADVOCATE IN SR No. 78872
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78822

ER

TE/JC/SAR-I : 06/10/2017 : 2P/7C
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MP(MD)Nos.1 of 2011 & 1 of 2012
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