

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.915 of 2018
and
WMP.No.1116 of 2018

Vijayakumar
S/o.Neelakandan

.. Petitioner

Vs.

1.The Revenue Divisional Officer
Ponneri Taluk
Thiruvallur District.

2.The District Collector
Thiruvallur

3.The Tahsildar
Taluk Office
Ponneri, Thiruvallur District.

4.The Head Surveyor
Taluk Office, Ponneri
Thiruvallur District.

5.Revenue Inspector
Taluk Office, Ponneri
Thiruvallur District.

6.The Commissioner
Minjur Municipality
Minjur Ponneri Taluk
Thiruvallur District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1, 4 and 5 from entering, measuring, surveying or dealing with the subject property except the due process of law.

For Petitioner: Mr.A.Aruldoss

For Respondents: Mr.M.Elumalai

Government Advocate for R1 to R5

Ms.K.Bhuvaneswari

Additional Government Pleader for R6

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents 1 to 5. Ms.K.Bhuvaneswari, learned Additional Government Pleader takes notice for the sixth respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for mandamus forbearing the respondents 1, 4 and 5 from entering, measuring, surveying or dealing with the subject property, except due process of law.

3. Heard both sides.

4. The petitioner claims that he is the absolute owner of the property situated at Kesavapuram, Nalur Village, Ponneri Taluk, Thiruvallur District comprised in S.No.72/15, House Plot Nos.B, C, D, E, F, G, H. The grievance of the petitioner before this Court is that the respondents, at the instigation of some third parties, are trying to enter into the petitioner's land and survey the same, without even putting the petitioner on notice, especially, when the patta in respect of the above said lands stand in the name of the petitioner. Therefore, the petitioner seeks for mandamus as stated supra.

5. Needless to say that the petitioner cannot prevent the official respondents from exercising their Statutory duties, if such exercise is warranted under the facts and circumstances of the case. However, if the authorities want to exercise such powers and duties, it has to be done by following the due process of law, which includes the issuance of the notice to the petitioner about the proposed action. In this case, it is stated that the petitioner was not put on notice.

6. The learned Government Advocate appearing for the respondents 1 to 5 submitted that any action in respect of the subject matter property will be taken only after serving notice to the petitioner and therefore, the apprehension of the petitioner is not with any substance.

7. The above said statement of the learned Government Advocate is recorded and this writ petition is disposed of, with an observation that the respondents shall follow the due process of law, including issuance of notice to the petitioner, if they want to proceed against the said property in any manner. It is further made clear that any of the observations made in this

writ petition with regard to the issuance of notice to the petitioner, shall not be construed or taken mean, as though this Court has recognised the right of the petitioner in respect of the subject matter land in any manner, as it is for him to prove before the concerned authorities in a manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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Thiruvallur District.

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Thiruvallur

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Minjur Ponneri Taluk
Thiruvallur District.

+ 1 cc to MR. A. Arul Doss, Advocate SR.3158

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(Cs-IV)
EU(19/01/2018)