

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.445 of 2018
and
WMP.No.503 of 2018

Mr.Prakasam
S/o.Late Munirathinam Gounder

.. Petitioner

Vs.

1. The District Collector
O/o. The District Collector
Sathuvachari
Vellore - 632 009
Vellore District.

2. The District Revenue Officer
O/o. The District Collector
Sathuvachari
Vellore - 632 009
Vellore District.

3. The Revenue Divisional Officer
Thirupattur
Vellore District.

4. The Tahsildar
Vaniyampadi Taluk
Vellore District.

5. The Village Administrative Officer
Valayampattu Village

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Vaniyampadi Taluk
Vellore District.

6. The Head Surveyor
Vaniyampadi Taluk
Vellore District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents from acquiring or disturbing the petitioner's standings crops which found place in the Survey No.241, Valayampattu Village, Vaniyampadi Taluk, Vellore District to an extent of 3 acres 20 cents which is under the peaceful possession and enjoyment of the petitioner except due process of law.

For Petitioner : Mr.R.Surya Prakash
For Respondents : Mr.K.T.Devendran
Additional Government Pleader

ORDER

Mr.K.T.Devendran, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

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2. The petitioner seeks for a mandamus forbearing the respondents from acquiring or disturbing the petitioners standing crops at S.No.241, Valayampattu Village, Vaniyampadi Taluk, Vellore District to an extent of

3 acres 20 cents which is under the peaceful possession and enjoyment of the petitioner except due process of law.

3. Heard the learned counsel appearing for the petitioner.

4. It is seen from the averments made in the affidavit filed in support of the writ petition that the respondents 3 to 6 informed the petitioner that they are going to acquire the petitioner's land, which according to the petitioner, is in his possession and enjoyment for more than 30 years. Needless to say that a preventive action cannot be initiated by the petitioner to restrain the authorities from acquiring the petitioner's land in a manner known to law. However, if any such acquisition proceedings is initiated, it is open to the petitioner to challenge the same, if he has any valid grounds both on facts and in law. In the meantime, the petitioner cannot prevent the authorities from initiating the very acquisition proceedings, by filing the present writ petition. Therefore, I find that the present relief sought for by the petitioner is highly premature. Accordingly, this writ petition is disposed of, however, by granting liberty to the petitioner to agitate the matter in

the manner known to law, as and when, any proceedings are initiated against the petitioner, in respect of the subject matter land. It is also made clear that the respondents will certainly follow the due process of law against the petitioner's land, if they choose to acquire the same. No costs. Consequently, connected miscellaneous petition is closed.

10.01.2018

Speaking/Non Speaking

Index : Yes/No

Internet : Yes/No

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To

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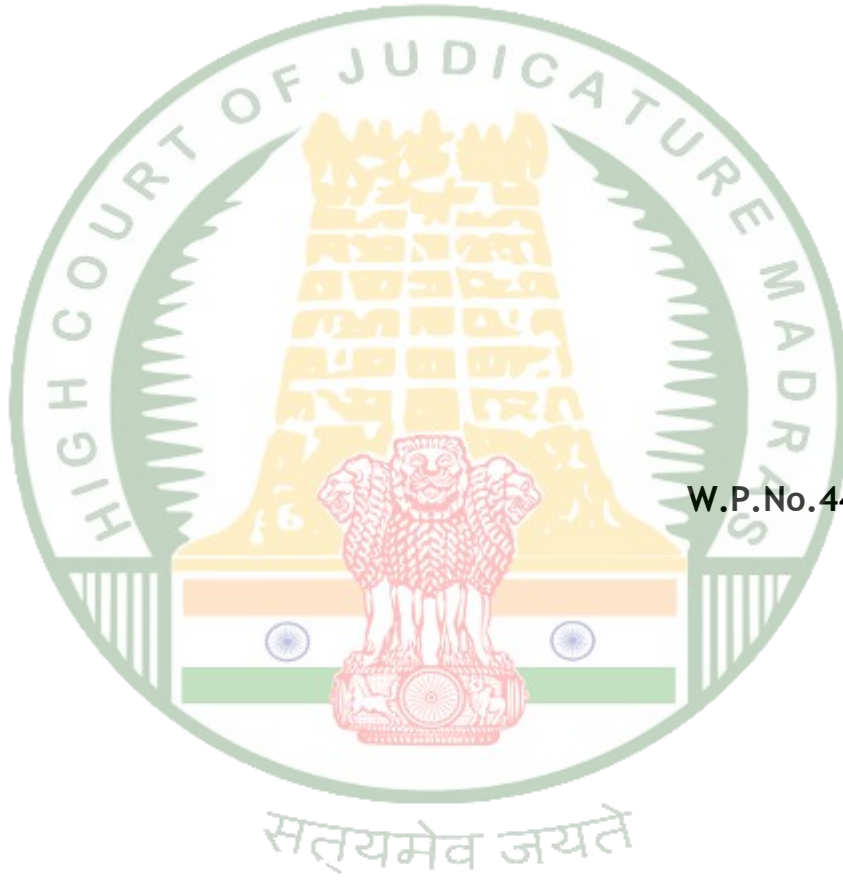
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K.RAVICHANDRABAABU,J.

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