

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.27259 of 2005 and
W.P.M.P.No.29695 of 2005

1. M.S.viswanathan
2. M.S.Mahalingam
3. M.S.Dhanapandi @ Devakumar
4. M.S.Malleeswari
5. M.S.Mahalakshmi

... Petitioners

Vs

The Range Officer,
Forest Department,
Tambaram Range Office,
Tambaram

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent from in any manner dispossessing the petitioners from the lands owned by them comprised at Survey No. 279/2B and 279/5-B at No.141 Kottivakkam Village admeasuring 6750 Sq.Mts. except by due process of law.

For Petitioners : Mr.G.Shankaran

For Respondent : Mr.S.V.Vijay Prasanth,
Additional Government Pleader
(Forest)

O R D E R

The relief sought for in the present writ petition is to forbear the respondent from in any manner dispossessing the petitioners from the lands owned by them comprised at Survey No. 279/2B and 279/5-B at No.141 Kottivakkam Village admeasuring 6750 Sq.Mts. except by due process of law.

2. It goes without saying that the authority of law can be exercised by the competent authorities only by following the

procedures as contemplated under the statutes. Thus, the very relief sought for in the present writ petition deserves no consideration at all. The petitioners filed the present writ petition on the presumption that the authorities may initiate action under the Land Acquisition Proceedings. However, no such proceedings are under challenge in the present writ petition. If at all, any action is initiated by invoking the Provisions of the Land Acquisition Act, then alone the writ petitioners would get cause of action for filing the present writ petition.

3. The learned counsel for the writ petitioners state that few officials had interfered with the Peaceful Possession of the petitioner and that is the reason why, the petitioners were constrained to move the present writ petition. Such a process cannot be a ground to consider the present writ petition, more specifically, after a lapse of about 13 years from the date of filing.

4. In this view of the matter, the writ petitioners have not established any cause of action for the purpose of considering the relief as such sought for in the writ petition and further the very relief sought for cannot be granted.

5. Accordingly, the writ petition stands dismissed. However, no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kak/kmm

To

The Range Officer,
Forest Department,
Tambaram Range Office,
Tambaram

+1cc to Mr.G.Sankaran, Advocate, S.R.No.88732

+1cc to the Government Pleader, S.R.No.88593

W.P.No.27259 of 2005

VGI (CO)
GSP (21/01/2019)