

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30882 of 2014

and

M.P.No. 1 of 2014

C.Thangamani

.... Petitioner

Vs.

1.The District Collector
Salem District, Salem.

2.The Regional Development Officer
Veerapandi Panchayat Union
Veerapandi, Salem District.

3.The Tahsildar
Salem Taluk, Salem.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent President not to dispossess the petitioner from his patta land to extent of 95 ares in Survey No.12/5D and 13/2A in Patta No.260 and 12/5B and 10 cents of lands out of 30 cents in Survey No.13/1 in Joint Patta No.216 situated at Nainapatti Village, Salem District under the pretext of formation of Panchayat road otherwise than due process of law as contemplated under the Tamil Nadu Panchayat Act and Land Acquisition Act.

For Petitioner : Mr.P.Rathanavel

For Respondents: Mr.M.Elumalai [For R1 to R3]

Government Advocate

Mr.L.Mahendran [For R4]

O R D E R

The relief sought for in this writ petition is for a direction to direct the fourth respondent President not to dispossess the petitioner from his patta land to extent of 95 ares in Survey No.12/5D and 13/2A in Patta No.260 and 12/5B and 10 cents of lands out of 30 cents in Survey No.13/1 in Joint Patta No.216 situated at Nainapatti Village, Salem District

under the pretext of formation of Panchayat road otherwise than due process of law as contemplated under the Tamil Nadu Panchayat Act and Land Acquisition Act.

2.The learned counsel appearing on behalf of the petitioner made a complaint that the fourth respondent President is unnecessarily interfering with the peaceful possession of the property belongs to the writ petitioner. The petitioner claims that the land in question is a patta land and therefore, the fourth respondent has no authority to interfere with the peaceful possession of the writ petitioner's land in question.

3.The learned Government Advocate appearing on behalf of the respondents 1 to 3 states that the land in question does not belong to the writ petitioner and it is a public land.

4.May that it be. This court is of an opinion that the contention raised in this writ petition is to be substantiated before the Competent Civil Court of law by way of full-fledged trial and by producing documents and adducing evidences. This Court under Article 226 of the Constitution of India cannot conduct a trial in respect of the title or otherwise of the immovable properties. If the writ petitioner claims title or ownership in respect of the property as described in the writ petition, it is left open to him to approach the competent civil court of law for appropriate remedy. Equally, if it is established that it is a public land then the competent authorities are empowered to initiate an appropriate action against the writ petitioner under the provisions of law.

5.This court of an opinion that all the property disputes including title, ownership or possession are to be established by the respective parties before the competent civil court of law. Thus, the relief as such sought for by the writ petitioner cannot be granted. If at all the petitioner is aggrieved from and out of the action initiated by the respondents it is left to the writ petitioner to approach the competent civil court of law as contemplated under the provisions of law.

6.With these observations, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

maya

To

1.The District Collector
Salem District, Salem.

2.The Regional Development Officer
Veerapandi Panchayat Union
Veerapandi, Salem District.

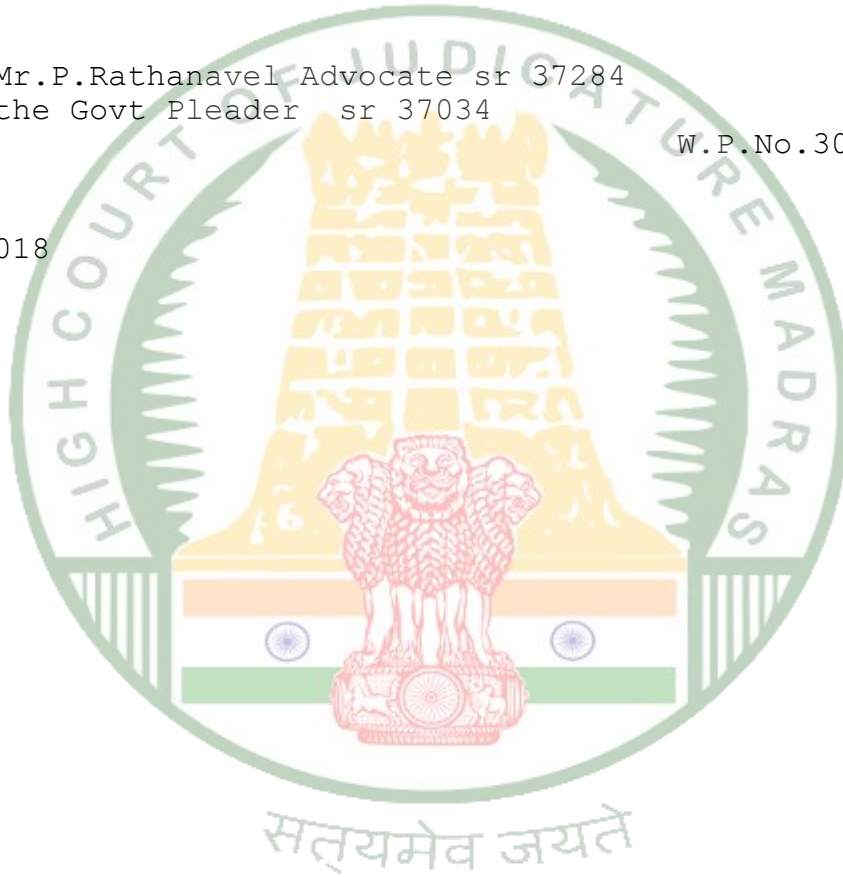
3.The Tahsildar
Salem Taluk, Salem.

+1 cc to Mr.P.Rathanavel Advocate sr 37284

+1 cc to the Govt Pleader sr 37034

W.P.No.30882 of 2014

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