

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.10.2018

CORAM:
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.4467 of 2011 &
M.P.No.1 of 2011

D.Seetharaman

.. Petitioner

Vs.

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur District,
Perambalur.

3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents from evicting the petitioner from the land and house comprised in Survey No.134/12G2, 36 Eraiyur Village, Veppanthattai Taluk, Perambalur District without due process of law.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.B.Anand
Government Advocate

O R D E R

Heard Mr.C.Prabakaran, learned counsel for the petitioner; Mr.B.Anand, learned Government Advocate for the respondents and perused the materials available on record.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, forbearing the respondents from evicting the petitioner from the land and house comprised in Survey No.134/12G2, 36 Eraiyur Village, Veppanthattai Taluk, Perambalur District without due process of law.

3. According to the petitioner, the land measuring an extent of 15 1/2 cents was purchased by him from one Natesa Konar through a registered sale deed dated 04.06.1982. Since then he has been in possession and enjoyment of the property and also constructed a tiled house in the year 1990. While so, in the 3rd week of January 2011, the third respondent informed him that the construction was made in the water channel and directed him to vacate the house.

4. The learned counsel for the petitioner would argue that the petitioner is the absolute owner of the property and he has been paying property tax to the Local Body and as per the Revenue records, it is a patta land, however, the respondents without following due process, attempted to dispossess the petitioner.

5. The learned Government Advocate would state that as per the revenue records, the property in Survey No.134/12G2 is shown as water body and the respondents are ready to evict the petitioner by following due process of law.

6. Taking note of the grievance of the petitioner and submission of the learned counsels on either side, this Court, without going into merits of the case, directs the respondents to take appropriate action in accordance with law. It is needless to mention that the petitioner shall cooperate for the enquiry, if any, initiated by the respondents.

7. With the above observation, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rns

To

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur District,
Perambalur.

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3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.68510
+1cc to the Government Pleader, S.R.No.68542

W.P. No.4467 of 2011 &
M.P.No.1 of 2011

rrs 12/11/2018



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