

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.2528 of 2018

and

WMP.No.3084 of 2018

Mrs.Valarmathi

W/o.Selvaraj

... Petitioner

Vs.

1.The District Collector
Salem District
Salem.

2.The Revenue Divisional Officer
Attur,
Salem District.

3.The Tahsildar
Attur,
Salem District.

4.The District Registrar (Milk)
Salem
Salem District.

5.The Secretary
Milk Producers Cooperative Sangam
Ammampalayam Village,
Attur Taluk,
Salem 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 to 3 from acquire the petitioner's property bearing Natham Survey No.261/1, with an extent of 1635 sq.ft at Gandhipuram, Ammampalayam Village, Attur Taluk, Salem District and handing over to the fourth and fifth respondents.

For Petitioner : Mr.L.Rajendran

For Respondents : Mr.K.T.Devendran

Additional Government Pleader
for R1 to R4

O R D E R

The petitioner seeks for a mandamus forbearing the respondents 1 to 3 from acquiring the petitioner's property bearing Natham Survey No.261/1, to an extent of 1635 sq.ft at Gandhipuram, Ammampalayam Village, Attur Taluk, Salem District and handing over to the fourth and fifth respondents.

2. According to the petitioner, the respondents 1 to 3 are going to initiate acquisition proceedings against the petitioner's land at the instance of the respondents 4 & 5. Therefore, she has come out with the present writ petition to prohibit the respondents 1 to 3 from acquiring her property.

3. Needless to say that the petitioner cannot prevent the official respondents from initiating any acquisition proceedings in accordance with law, against the subject matter property, by way of pre-emptive action. At the same time, if any action is initiated against the petitioner's property as per law, it is always open to the petitioner to challenge the same before appropriate forum in a manner known to law, provided if she has valid grounds for such challenge. Therefore, I am of the considered view that the present writ petition is highly premature. Consequently, this writ petition is dismissed, without expressing any view on the merits of the claim made by the petitioner, only on the reason that the prayer sought for in this writ petition is not maintainable. However, liberty is granted to the petitioner to work out her remedy in a manner known to law, as stated supra, as and when any acquisition proceedings is initiated, in respect of the subject matter property, provided the petitioner has valid grounds for such challenge and also she is in a position to establish her right and title over the subject matter property with valid documents. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mk

To

1.The District Collector
Salem District
Salem.

2.The Revenue Divisional Officer
Attur,
Salem District.

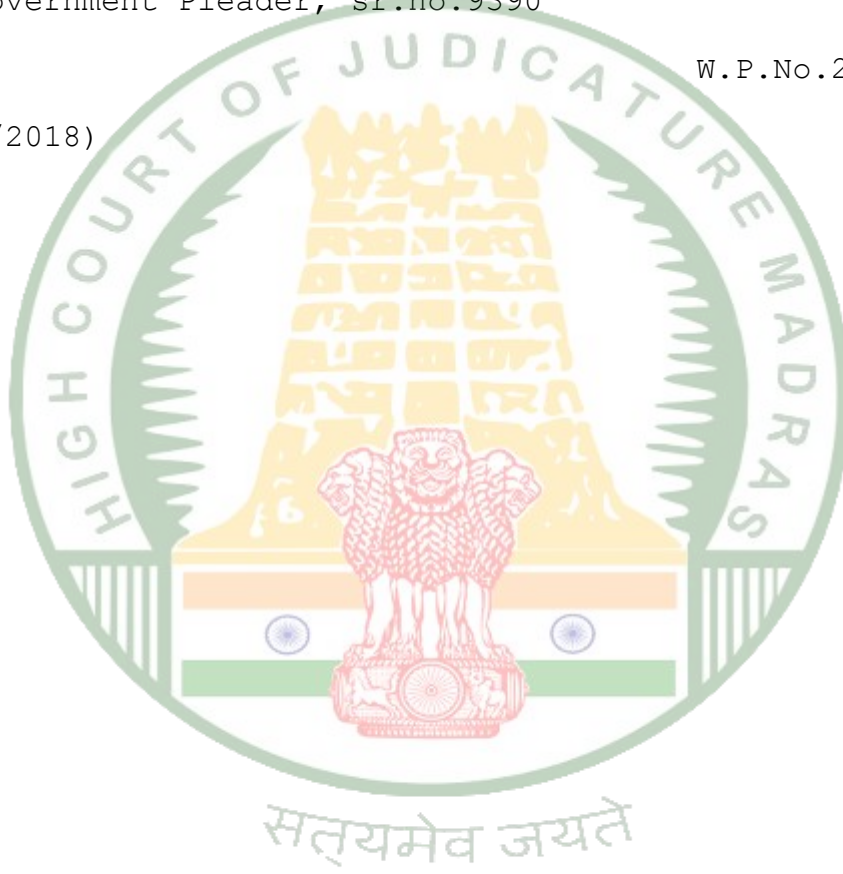
3.The Tahsildar
Attur,
Salem District.

4.The District Registrar (Milk)
Salem
Salem District.

+lcc to Government Pleader, sr.no.9390

W.P.No.2528 of 2018

co(rj)
GSP(17/02/2018)



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