

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.1894 of 2018 & W.M.P. No.2380 of 2018

D. Ramakrishnan Petitioner

vs.

1 The Superintendent of Police
Salem District

2 The Sub-Inspector of Police
Panamarathupatti Police Station
Panamarathupatty
Salem Taluk

Salem District Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from illegally removing the petitioner from the subject property in Survey No.39/2 situated at Panamarathupatti Village, Salem Taluk, Salem District, in any way and disturbing the petitioner's peaceful possession and enjoyment of the same, unless under due process of law.

For petitioner Ms. M. Vijayalakshmi

For respondents Mr. C. Raghavan
Government Advocate (Crl. Side)

ORDER

This writ petition has been preferred seeking a writ of mandamus forbearing the respondents from illegally removing the petitioner from the subject property in Survey No.39/2 situated at Panamarathupatti Village, Salem Taluk, Salem District, in any way and disturbing his peaceful possession and enjoyment of the same, unless under due process of law.

2 It is the case of the petitioner that he is in possession of the land in Survey No.39/2, Panamarathupatti Village, Salem Taluk, Salem District and that the police are trying to illegally evict him from the said land; hence, this present writ petition seeking the aforesaid relief.

3 Per contra, the learned Government Advocate (Crl. Side) submitted that the said land is a poramboke land and the Government have allotted the said land for construction of Panamarathupatty Police Station vide orders of the District Collector published in the District Gazette dated 21.04.2013. He also produced a certificate dated 03.10.2017 issued by the Tahsildar, Salem, handing over the said property to the Superintendent of Police, Salem, for the purpose of construction of police station.

4 The learned counsel for the petitioner contended that Survey No.39/2 was not allotted to the petitioner by the District Collector, but, only Survey No.46/7. She also submitted that the petitioner has filed a suit in O.S. No.204 of 2017 before the District Munsif Court, Salem, seeking injunction and the same is pending.

5 Concededly, the petitioner does not have title to the property in question and it is a Government poramboke land. In such view of the matter, the mandamus as prayed for by the petitioner, cannot be granted.

Resultantly, this writ petition stands dismissed as being devoid of merits. Costs made easy. Connected W.M.P. is closed.

22.10.2018

To

1 The Superintendent of Police
Salem District

2 The Sub-Inspector of Police
Panamarathupatti Police Station
Panamarathupatty
Salem Taluk
Salem District

P.N. PRAKASH, J.

cad

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