



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33 of 2006
And
W.P.M.P.No.28 of 2006

S.M.M.Ramadoss ... Petitioner

Vs.

1.The District Collector
Tiruvallur District.

2.The Tahsildar
Ambattur, Tiruvallur District.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the possession of the petitioner in respect of the property situate at Sy.No.1 of Numbul Maduravayal Village, Ambattur Taluk, Tiruvallur District.

For Petitioner : Mr.V.Raghavachari
For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondent to interfere with the possession of the petitioner in respect of the property situate at Sy.No.1 of Numbul Maduraved Village, Ambattur Taluk, Tiruvallur District.

2.The case of the petitioner is that the property was purchased by him under registered instrument from Sankaranarayana Iyer. From the date of purchase on 20.05.1972, the petitioner was in possession of the property and patta also stands in the name of the petitioner. While being so, the electricity board effected service connection to the property. Subsequently, he purchased another portion of the property on 07.09.1978 from one Sundaram.

3.The petitioner also filed a suit in O.S.No.727 of 2005 as against the third parties seeking interim injunction. In the suit, the learned District Munsif, Poonamallee granted an order



of interim injunction on 25.08.2005. While such being the position the second respondent without any authority or without any notice required under law interfered with the petitioner's peaceful possession and enjoyment of the property. Hence, the petitioner has filed this writ petition.

4. Though the petitioner filed the writ petition seeking issuance of Writ of Mandamus forbearing the respondent from interfering with the peaceful possession of the petitioner, the learned counsel appearing for the petitioner would now submit that if the second respondent intends to evict the petitioner in the manner known to law by invoking the relevant provisions of law, it is open for him to proceed with the matter.

5. The learned Special Government Pleader accepts the contention made by the learned counsel appearing for the petitioner and also undertakes that the petitioner's possession will be removed if the petitioner has encroached the Government property after following the due procedure as established in law.

6. In view of such undertaking given by the learned Special Government Pleader, the writ petition is disposed of in the above terms. It is open to the second respondent to proceed the matter in the manner known to law. This Court makes it clear that till such time, without invoking any provision of law, the petitioner's possession cannot be disturbed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

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To

1. The District Collector
Tiruvallur District.

2. The Tahsildar
Ambattur, Tiruvallur District.

+1cc to Mr.V.Raghavachari, Advocate SR.No.26121
+1cc to Government Pleader SR.No.26771

W.P.No.33 of 2006
And
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GN(25/04/2018)