

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.27901 of 2013
and M.P.No.1 of 2013 and WMP.No.1360 of 2018

K.Palaniyandi

...Petitioner

Vs.

1.The Tahsildar,
Namakkal Taluk,
Namakkal District.

2.Block Development Officer,
Erumapatti Union Office,
Erumapatti,
Namakkal District.

3.The Village Administrative Officer,
Sivanaickenpatti,
Palayapalayam,
Namakkal Taluk & District.
Namakkal - 637 405.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents from evicting the petitioner from the land admeasuring 93 cents in S.No.280/2 in Sivanaickenpatti Village, Palayapalayam post, Namakkal TK and District, otherwise than the procedure established by law.

For Petitioner : M/s.S.Kalyanaraman
For RR1 & 3 : Mr.A.Ansar, G.A.
For R2 : Ms.P.Rajalakshmi

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus forbearing the respondents from evicting the petitioner from the land measuring 93 cents in Survey No.280/2 in Sivanaickenpatti Village, Palayapalayam post, Namakkal District, except under due process of law.

2. According to the petitioner, he is in possession and occupation of the land in dispute since 1972 and he has been paying 'B' Memo charges to the authorities. While so, without following the procedures, an attempt was made to evict the petitioner. Hence, the writ petition.

3. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 3 and the learned counsel for the 2nd respondent.

4. The learned Government Advocate for the respondents 1 & 3 submitted that the petitioner is in occupation of the burial ground and he will be evicted as per law.

5. In the light of the above submission, this Court is of the view that the petitioner is entitled to succeed in the writ petition and in the result the writ petition is allowed. The respondents are at liberty to evict the petitioner by following the procedures established by law. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

pvs

To

1.The Tahsildar,
Namakkal Taluk,
Namakkal District.

2.Block Development Officer,
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Erumapatti,
Namakkal District.

3.The Village Administrative Officer,
Sivanaickenpatti,
Palayapalayam,
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Namakkal - 637 405.

+1 CC to M/s.S. Kalyanaraman, Advocate sr 7344.
+1 CC to The Govt. Pleader sr 7982

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SP(23/02/2018)