

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18809 of 2009
and
M.P.No.1 of 2009

K.Panneerselvam ...Petitioner

vs

1.The District Collector,
Kancheepuram

2.The Assistant Director of
Town Panchayat,
Collectorate,
Kancheepuram

3.Executive Officer,
Perungulathur Town Panchayat
Chennai-63

4.The President,
Perungulathur Town Panchayat
Chennai-63

5.The Thasildhar,
Tambaram,
Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents not to dispossess the petitioner from the said land i.e.Kancheepuram District Perungulathur Village, Survey No.255/2 extent of 30 cents, bounded on the North by Mudichur road South by petitioner's land East by: Sunnambukalvai and west by Sekar land without any due process of law.

For Petitioner : Mr.M.Vijayakumar
For R1, R2 & R5 : Mr.A.N.Thambudurai
Special Government Pleader
For R3 & R4 : Mr.A.Arumugam

ORDER

Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents not to dispossess the petitioner from the said land i.e.Kancheepuram District Perungulathur Village, Survey No.255/2 extent of 30 cents, bounded on the North by Mudichur road South by petitioner's land East by: Sunnambukalvai and west by Sekar land without any due process of law.

2.The petitioner is basically an agriculturist owing agricultural land comprised in Survey No.254/5., to the extent of 1.40 acres. The petitioner was enjoying the adjacent property which is classified as Village poromboke land for the purpose of cultivation. The private respondent, namely 4th respondent elected as president. Thereafter, he sought troubling the petitioner for enjoying the property by fencing the poromboke land and other adjacent land. Hence, the Writ Petition.

3.Mr.M.Vijayakumar, learned counsel for the petitioner, would submit that the 4th respondent is continuously enjoying the property and possession. The said settlement deed is in favour of his wife and is continuously enjoying the property, while so without authority and without any notice to the respondent attempt to intervening the petitioner portion. However, the learned counsel submits that law is well settled Property dispute cannot be decided in this petition and hence permission may be given to file an appropriate suit before the competent civil forum.

4.Mr.Thambidurai learned counsel appearing for the 1st, 2nd and 5th respondents and Mr.Arugugam learned counsel appearing for the 3rd and 4th respondents concede that liberty may be granted to the petitioner to file an appropriate suit before the competent Civil Court in accordance with law.

5. In view of the same, the petitioner can approach the Civil Court within a period of four weeks from the date of receipt of a copy of this order. Interim order already granted by this Court on.24.09.2009 is extended only for four weeks from the date of receipt of a copy of this order.

6.Accordingly, the Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsn
To

1.The District Collector,
Kancheepuram

2.The Assistant Director of
Town Panchayat,
Collectorate,
Kancheepuram

3.Executive Officer,
Perungulathur Town Panchayat
Chennai-63

4.The President,
Perungulathur Town Panchayat
Chennai-63

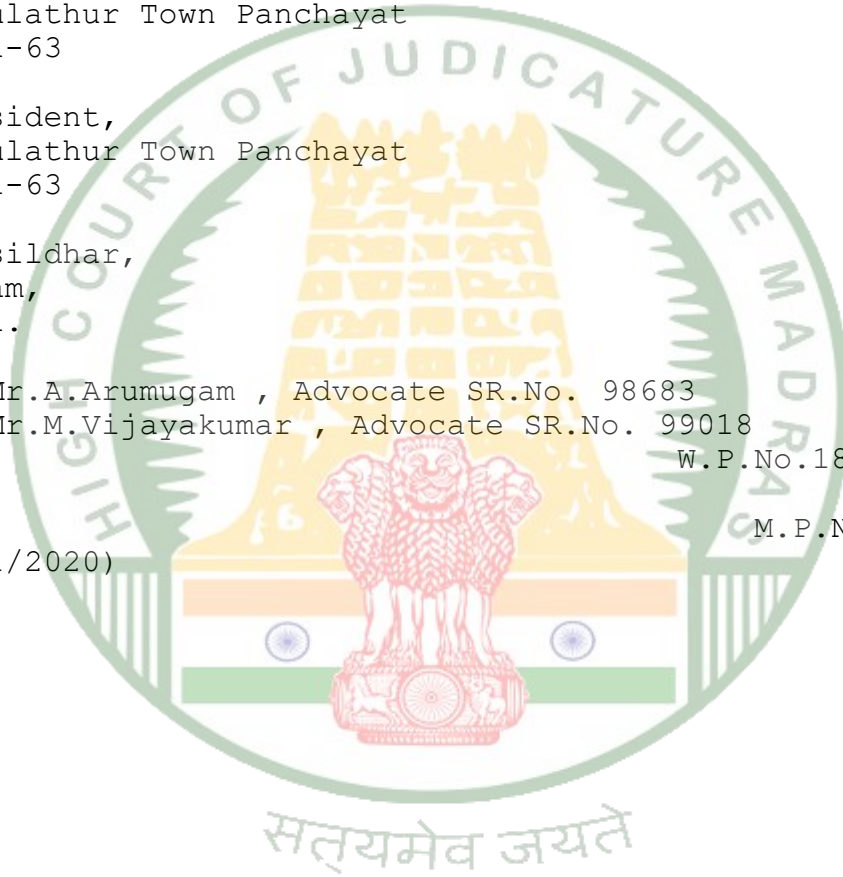
5.The Thasildhar,
Tambaram,
Chennai.

+1cc to Mr.A.Arumugam , Advocate SR.No. 98683

+2ccs to Mr.M.Vijayakumar , Advocate SR.No. 99018

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A.SK(10/01/2020)



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