

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.36828 of 2016

and

W.M.P.Nos.31655 & 31656 of 2016

P.Subramani

.. Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Sathuvachari,
Vellore - 632 009,
Vellore District.

2.The Sub Collector (In-charge),
Thirupattur,
Vellore District.

3.The Revenue Divisional Officer,
Vaniyampadi Taluk,
Vellore District.

4.The Tahsildar,
Vaniyampadi Taluk,
Vellore District.

5.The Village Administrative Officer,
Valayampattu,
Vaniyampadi Taluk,
Vellore District.

6.The Authorized Officer,
Civil Supplies and Consumer Protection Department,
Vellore District.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relevant to the order in Na.Ka.A2/832/2012 dated 19.09.2016 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable against

the principles of natural justice and thereby direct the respondents not to take any coercive steps as against the petitioner's Patta property situated in Survey No.259/1 and in respect of his another property situated in Survey No.259/2, Valayampattu Village, Vaniyampadi Taluk, Vellore District to an extent of 0.74.5 ares except due process of law.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

This Writ Petition is filed by the petitioner challenging the order in Na.Ka.A2/832/2012 dated 19.09.2016 passed by the second respondent and thereby direct the respondents not to take any coercive steps as against his Patta property situated in Survey No.259/1 and in respect of his another property situated in Survey No.259/2, Valayampattu Village, Vaniyampadi Taluk, Vellore District to an extent of 0.74.5 ares except due process of law.

2. The petitioner is the owner of S.No.259/1 in Valayampattu Village, Vaniyampadi Taluk, Vellore District alleging that the respondents are trying to construct a Civil Supplies Godown on his land. The patta also stands in the name of the petitioner and his siblings. There is no dispute with respect to S.No.259/1 that the petitioner is the owner of the property. Now, the dispute is with respect to S.No.259/2, which admittedly is a Government Porambokku land.

3. Heard the learned counsel appearing on both sides.

4. The learned counsel for the petitioner submits that he has been in possession of the land in S.No.259/2 also and produced a copy of Adangal for an extent of 1 hectre.

5. However, the order impugned specifically mentions that to show his possession or title with respect to S.No.259/2, the petitioner has not produced any documents. Though the petitioner had been in possession of S.Nos.259/1 and 259/2 jointly, excepting S.No.259/1, for which, he has got valid title, he has got no right or title for S.No.259/2. However, it is his claim that he had been in possession of the same being an adjacent land. As admitted, S.No.259/2 is a Government Porambokku land, wherein, the respondents are planning to construct the Civil Supplies Godown in that land. In such circumstances, the petitioner cannot have any objection for the respondents to

construct the Godown in S.No.259/2 without disturbing his possession in S.No.259/1. It is also seen from the impugned order that earlier, a suit filed by the petitioner in O.S.No.179 of 2012 was dismissed by the District Munsif, Vaniyampadi. Therefore, in the absence of any document or order of the Court to evidence the possession of the petitioner with respect to S.No.259/2, the order impugned cannot be challenged. The impugned order also specifically states that there will not be any disturbance for the petitioner with respect to S.No.259/1 and the petitioner also cannot have any right in S.No.259/2 as it is a Government Porambockku land.

6. In the light of the above discussion, the petitioner cannot have any grievance over the order impugned and the same does not warrant any interference by this Court.

7. With the above observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

rsi

To

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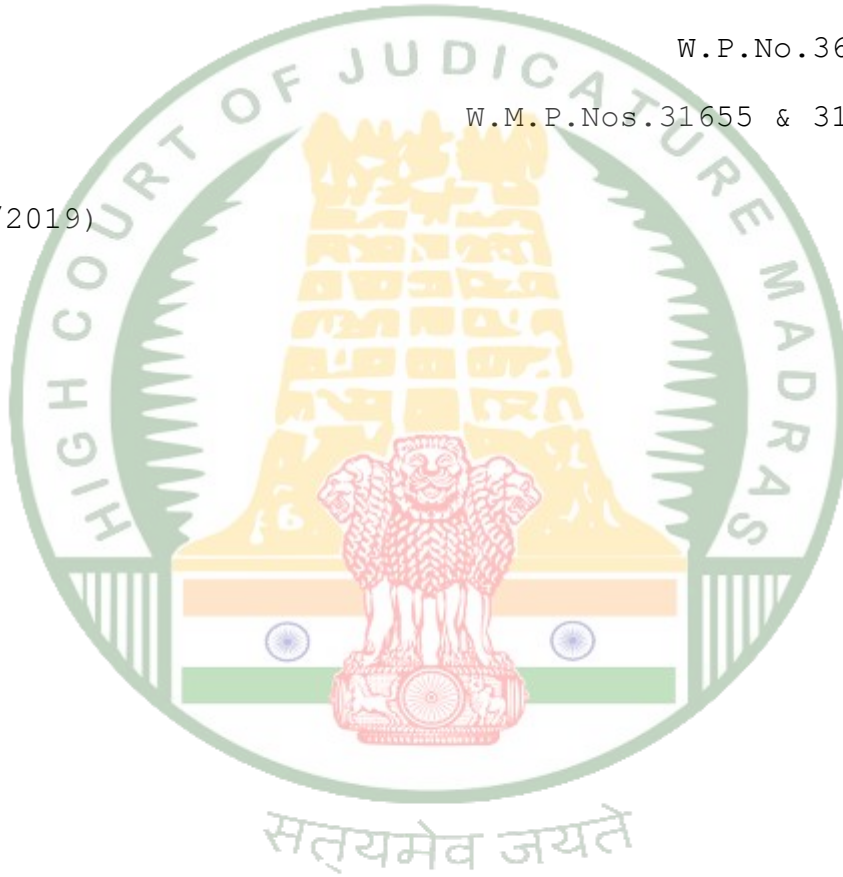
+1cc to Mr.A.Rajeshkanna, Advocate SR.No.12796

+1cc to Government Pleader SR.No.14113

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PA (CO)
GMY (07/03/2019)



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