

IN THE HIGH COURT OF JUDICATURE AT MADRAS
D A T E D : 01.12.2020
C O R A M
The Hon'ble Mr. Justice SETHILKUMAR RAMAMOORTHY

Writ Petition No.18595 of 2011
and
M.P.Nos.1 of 2011 and 1 of 2012

S.Simson Sundara Raj

...Petitioner

Vs

1.The Tahsildar,
Sriperumpudhur Taluk,
Kancheepuram District.

2.The Revenue Inspector,
Kundrathur,
Sriperumpudhur Taluk,
Kanchipuram District.

3.The Village Administrative Officer,
Kundrathur,
Sriperumpudhur Taluk,
Kancheepuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the Respondents, their subordinates or any person claiming authority through them from in any manner interfering with the lawful possession, evicting, dispossessing the Petitioner except due process of law.

For Petitioner : Mr.D.Senthilkumaar

For Respondents : Ms.R.J.Radhika
Government Advocate

O R D E R

By this writ petition, the Petitioner seeks a writ of mandamus to restrain the Respondents from dispossessing the Petitioner from the property at Survey No. 4/1/B2, No.10, Mettu Theru, Karima Nagar, Kundrathur, Chennai (the Property) except by following the due process of law.

2. The Petitioner states that the Property was assigned to his predecessor-in-title, Mr.Rangasamy, under assignment order dated 02.08.1974. Pursuant thereto, the Petitioner purchased the Property under sale deed executed by Mr.Rangasamy on 27.11.1978 in favour of the Petitioner, and constructed the Zion Prayer Hall thereon. In these circumstances, the Petitioner states that the staff of the

second and third Respondents visited the church on the Property in the last week of July 2011 and informed the Petitioner that he should vacate the said premises and hand over the possession thereof within a period of 10 days. This writ petition is filed in these facts and circumstances.

3. I heard Mr.D.Senthilkumaar, the learned counsel for the Petitioner and Ms.R.J.Radhika, the learned Government Advocate for the Respondents.

4. Mr.Senthilkumaar submitted that the Petitioner is the owner of the Property and had purchased the same under the sale deed dated 27.11.1978 from Mr.Rangasamy, who was assigned the Property by the Collector. Therefore, he submits that he cannot be dispossessed except by due process of law, whereas the Respondents are threatening to dispossess him and, therefore, the Petitioner was constrained to file the writ petition.

5. In response, the learned Government Advocate submits that the Petitioner will not be dispossessed except by following the due process of law.

6. In view of the submissions of the learned counsel for the respective parties, I am of the view that this writ petition can be disposed of by recording the submission that the Respondents would not dispossess the Petitioner except by following the applicable statutory procedure. This writ petition is disposed of on the above mentioned terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Tahsildar,
Sriperumpudhur Taluk,
Kancheepuram District.

2.The Revenue Inspector,
Kundrathur,
Sriperumpudhur Taluk,
Kanchipuram District.

3.The Village Administrative Officer,
Kundrathur,
Sriperumpudhur Taluk,
Kancheepuram District.

+2cc to M/s.D.SenthilKumar Advocate SR.NO.38500

+1cc to the Government Pleader SR.NO.38659

W.P.No.18595 of 2011

SDR 17/12/2020



WEB COPY