

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.4714 & 7611 of 2012
and
M.P.Nos.1 & 1 of 2012

MuniyammalPetitioner in both Wps.

Vs.

1.The Tahsildar
Yercaud Taluk,
Salem District.

2.The Deputy Director,
Department of Agricultural Plantation,
Salem -1.Respondents in both Wps.

Prayer in W.P.No.4714 of 2012: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus forbearing the respondents from entering upon or disturbing the activities and enjoyment of the petitioner in the said survey No.9/4 in yercaud village, Salem District.

Prayer in W.P.No.7611 of 2012: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus prohibiting the respondents from interfering in the petitioner's agricultural plantation activities of the petitioner and their enjoyment in respect of the lands in Survey No.10/2, 9/3 in Yercaud Village, Salem District.

For Petitioner : Mr.S.Pavithrashini
in both Wps for Mr.V.Manohar

For Respondent : Mrs.K.Bhuvaneswari
No.1&2 in both Wps Additional Government Pleader

COMMON ORDER

These writ petitions have been filed to prohibit the respondents from interfering in the petitioner's agricultural plantation activities in Survey No.10/2, 9/3 at Yercaud Village, Salem District and to forbear the respondents from entering upon

or disturbing the petitioner's enjoyment of his property in survey No.9/4 at Yercaud Village, Salem District.

2.The case of the petitioner is that she and her family are in the possession of the aforementioned property for the past 50 years without any disturbance. According to the petitioner, the lands in Survey Nos.10/2, 9/3 & 9/4 are patta lands and she and her family have raised Commercial crops i.e. coffee and orange over the same. According to the petitioner, the said estate was fully developed with the efforts of her family and have been maintained by them out of their own investments for more than 50 years. It is their case that the respondents have now attempted to evict them from the aforementioned lands without following the due process of law. Under such circumstances, these writ petitions have been filed.

3.Heard Mr.S.Pavithrashini for Mr.V.Manohar, learned counsel for the petitioner and Mrs.K.Bhuvaneswari, learned Additional Government Pleader for the respondents.

4.The learned Additional Government Pleader for the respondents submitted that the subject lands are classified as Sanitation Ground (Government Poramboke). However, she would submit on instructions that only in accordance with law, steps will be taken by the respondents to evict the petitioner from the aforementioned property.

5.Recording the submissions made by the learned Additional Government Pleader, these writ petitions are disposed of by prohibiting the respondents from interfering with the petitioner's property without following the due process of law.

6.It is made clear that as and when the respondents decide to initiate action for evicting the petitioner from the aforementioned property, they should do so only after issuing notice to the petitioner and the petitioner shall be given sufficient opportunity to raise all objections available to her under law with regard to the eviction proceedings and she shall also be given the right of the personal hearing in the enquiry proceedings. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Tahsildar
Yercaud Taluk,
Salem District.

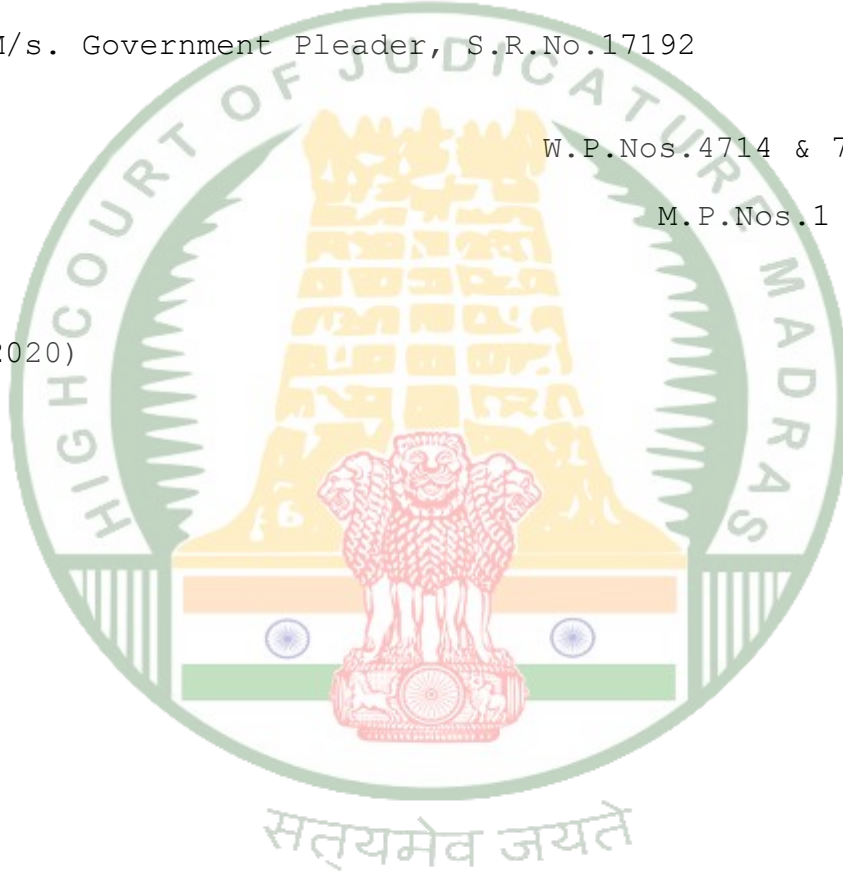
2.The Deputy Director,
Department of Agricultural Plantation,
Salem -1.

+2 cc to M/s.V.Manohar, Advocate, S.R.No.16953, 16954

+1 cc to M/s. Government Pleader, S.R.No.17192

W.P.Nos.4714 & 7611 of 2012
and
M.P.Nos.1 & 1 of 2012

CNR (CO)
RN(21/05/2020)



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