

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9639 of 2020

N.Selvaraj

...Petitioner

VS

1. The District Collector,  
Tiruppur District,  
Tiruppur.
2. The Tahsildar,  
Avinashi Taluk,  
Tiruppur.
3. The Executive Engineer,  
Tamil Nadu Slum Clearance Board,  
Tiruppur Division,  
Tiruppur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to forbear the respondents from any manner interfering, disturbing or forcefully evicting the petitioner without following due process of law in respect of the land measuring an extent of Acres 9.42 cents in S.No.112/1 and another extent of Acres 3.47 cents in S.No.113/1 situated at Pongalur village, Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.A.V.Raja

For Respondents : Mr.R.Vijayakhumar for R1 and R2  
Additional Government Pleader  
Mr.S.Prabhu,  
Standing Counsel for R3

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O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.R.Vijayakhumar, learned Additional Government Pleader takes notice for the respondents 1 and 2. Mr.S.Prabhu,

learned Standing Counsel takes notice for the 3rd respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition is filed seeking for mandamus to forbear the respondents from any manner interfering, disturbing or forcefully evicting the petitioner without following due process of law in respect of the land measuring an extent of Acres 9.42 cents in S.No.112/1 and another extent of Acres 3.47 cents in S.No.113/1 situated at Pongalur village, Avinashi Taluk, Tiruppur District.

4. The petitioner claims to be the owner of the subject matter property and however, it is stated that patta has not been granted to him so far. According to the petitioner, the respondents, more particularly, the third respondent is not having any right over the said property and therefore, their interference with the petitioner's property has to be prevented.

5. On the other hand, perusal of the materials would show that there is title dispute with regard to the property and the Tamil Nadu Slum Clearance Board claims to have right over the said property. Therefore, it is for the petitioner to agitate the matter only by way of Civil Suit before the competent Court and not by way of filing the present Writ Petition with a prayer as stated supra. Therefore, I find that the present Writ Petition is not maintainable. Accordingly, the Writ Petition is dismissed, however by granting liberty to the petitioner to agitate the matter before the competent Civil Court by raising all his contentions. It is made clear that this Court is not expressing any view on the merits of the claim made by the respective parties, as it is for them to agitate the matter before the Civil Court. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi/vri

To

1. The District Collector,  
Tiruppur District, Tiruppur.
2. The Tahsildar,  
Avinashi Taluk, Tiruppur.

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3. The Executive Engineer,  
Tamil Nadu Slum Clearance Board,  
Tiruppur Division, Tiruppur.

W.P.No.9639 of 2020

PPA (CO)  
KKV/02/09/2020



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