

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.11654 of 2020
and WMP Nos.14382, 14384 of 2020

C.Thangaraj

....Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri.

3. The Tahsildar,
Dharmapuri Taluk,
Dharmapuri.

4. The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.

5. Ravi

6. Rajendran

7. Marisamy

8. Rani

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the enquiry conducted on 29.07.2020 based on the notice dated 17.07.2020 made in Na.Ka.No.146/2020/A3 in respect of the property comprised in Survey No.456 corresponding patta No.440 and New Patta No.1183 admeasuring to an extent of 01.10.0 hectare situated at Andihalli Village, Dharmapuri.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.S.N.Parthasarathy
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to pass orders on the representation made by the petitioner within the time frame fixed by this Court.

2. The case of the petitioner is that the subject property originally belonged to one Kariyan alias Veeran and he was also issued with a patta in Patta No.440. This property was sold in favour of the petitioner by a registered Sale Deed dated 11.07.2017. It is seen from records that the revenue records have also been mutated in the name of the petitioner.

3. It is stated in the affidavit filed in support of the writ petition that the respondents 5 to 8 attempted to trespass into the property by claiming that this property belongs to a temple. A complaint also seems to have been given to the 2nd respondent challenging the patta issued in favour of the petitioner. It is seen from records that the 2nd respondent issued a notice to the petitioner on 12.06.2020 calling upon the petitioner to attend for an enquiry. The petitioner had attended for enquiry before the 2nd respondent on a couple of occasions. It is stated that the petitioner had submitted all the documents and also given statements before the 2nd respondent.

4. The grievance of the petitioner is that when this enquiry was pending, respondents 5 to 8 have created a law and order problem by trying to keep a board in the property as if the property belongs to a temple. This was done when the enquiry was pending before the 2nd respondent and even before any orders were passed. Therefore, the present writ petition has been filed seeking for appropriate directions.

5. Heard the learned counsel appearing for the petitioner and Mr.S.N.Parthasarathy, learned Special Government Pleader appearing on behalf of respondents 1 to 4.

6. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the 2nd respondent to continue with the enquiry by affording opportunity to all parties concerned and pass appropriate orders, strictly in accordance with law within a period of six weeks from the date of receipt of copy of this

order. It is made clear that when the patta stands in the name of the petitioner, no one should be allowed to interfere with the property by taking law into their own hands. Ultimately, even if the petitioner is held to be not having any right over the property, he can be evicted only in accordance with law and he cannot be thrown away from the property illegally. The Inspector of Police shall ensure that no law and order problem is created by respondents 5 to 8, until final orders are passed by the 2nd respondent.

7. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri.
3. The Tahsildar,
Dharmapuri Taluk,
Dharmapuri.
4. The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.

+1 cc to M/s.c.Prabakaran, Advocate Sr.No. 29047
+1 cc to The Government Pleader, Sr.No. 29115

WP No.11654 of 2020

CA(CO)
RMP(28/09/2020)