

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.02.2020
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.10518 of 2017
and
WMP No.11427 of 2017

G.Haridass

...

Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Tiruvallur.
- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Thiruvallur District.
- 3.The Tahsildhar,
Office of the Tahsildhar,
Thiruvottiyur Taluk Office,
Thiruvottiyur District. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from interfering with the possession of the property of the petitioner in plot no 150 to 158 to an extent of 6976 sq.ft situated in old S.No.29/1 and new S.No.29/4, No.44 Saddyakuppam Village, Ambattur Taluk, Thiruvallur District pending representation of the petitioner dated 18.04.2017.

For petitioner : Mr.M.Raja Sekhar
For respondents : Mr.R.S.Selvam
Government Advocate

ORDER

This Writ Petition has been filed for a Writ of Mandamus, to forbear the respondents from interfering with the possession of the property of the petitioner in plot Nos.150 to 158 measuring an extent of 6976 sq.ft situated in old S.Nos.29/1 and new S.No.29/4, No.44 Saddyakuppam Village, Ambattur Taluk, Thiruvallur District.

2. It is the case of the petitioner that he is the absolute owner of the aforementioned property. According to him, the officials of the second and third respondents, on 17.04.2017 attempted to enter into the petitioner's property under the guise of measuring the same. According to the petitioner, on enquiry, he came to know that the respondents are claiming that the purchase made by the petitioner was illegal and they wanted to take back possession of the property from him. According to the petitioner, without giving any opportunity and without issuing show cause notice, the respondents cannot take back the property from the petitioner as according to him, he has purchased the aforementioned property through a valid sale deed. In such circumstances, this Writ Petition has been filed.

3. A Counter affidavit has been filed by the third respondent stating that the petitioner is an encroacher and the subject land is classified as Grama Natham land and hence, the petitioner cannot use the said property for a commercial purpose. Hence, arrangements are being made by the respondents to measure the petitioner's property for issuing proper notice to him for the said lapses.

4. Heard Mr.M.Raja Sekhar, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondents.

5. As seen from paragraph 18 of the counter affidavit filed by the 3rd respondent, attempts are made by the respondents to measure the petitioner's property only on the ground that subject lands is a Grama Natham land whereas the petitioner has been using the same for commercial purposes, violating the terms and conditions of the assignment.

6. However it is also made clear by the respondents in their counter that only after issuing notice to the petitioner in accordance with law, they will take steps to evict the petitioner.

7. In view of the categorical admission made by the respondents that they will evict the petitioner only in accordance with law, the apprehension raised by the petitioner in this Writ Petition is uncalled for.

8. For the foregoing reasons, this Court directs the respondents 1 to 3, to take steps to evict the petitioner only in accordance with law after issuing a show cause notice to the petitioner and after affording sufficient opportunity to the petitioner to raise all objections available to him under law and also afford him personal hearing and pass final orders in the eviction proceedings proposed to be initiated against the

petitioner.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mpa
To

- 1.The District Collector,
Office of the District Collector,
Tiruvallur.
- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Thiruvallur District.
- 3.The Tahsildhar,
Office of the Tahsildhar,
Thiruvottiyur Taluk Office,
Thiruvottiyur District.

+1cc to Mr.M.Raja Sekhar , Advocate SR.No. 15003
+1 cc to Government Pleader Sr.No. 15652

W.P. No.10518 of 2017
and
WMP No.11427 of 2017

ak co
A.SK(26/05/2020)

सत्यमेव जयते
WEB COPY