



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P (MD) No.7092 of 2020

and

W.M.P. (MD) No.6530 of 2020

M.Manoharan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk, Sivakasi,
Virudhunagar District.

4.The Block Development Officer,
Sivakasi Union, Sivakasi,
Virudhunagar District.

5.The President,
Puthukottai Panchayat,
Sivakasi Taluk, Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the respondents 3 to 5 from dispossessing the petitioner from the land comprised in Survey No.868/1B3 measuring about 9 cents situated at Puthukottai Village and Post, Sivakasi Taluk, Virudhunagar District, not otherwise than due process of law besides directing the first respondents to dispose of the petitioner's representation, dated 14.02.2020 within a time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.B.Prahalad Ravi

For R1 to R3 : Mr.Karuppasamy
Government Advocate



O R D E R

1.This Writ Petition is filed to forbear the respondents 3 to 5 from dispossessing the petitioner from the land comprised in Survey No.868/1B3 measuring about 9 cents situated at Puthukottai Village and Post, Sivakasi Taluk, Virudhunagar District, not otherwise than due process of law besides directing the first respondents to dispose of the petitioner's representation, dated 14.02.2020 within a time as may be fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3.It is the contention of the petitioner that the property that is proposed to be taken by the 4th respondent is a Natham property and on account of previous enmity between the petitioner and the 5th respondent, the 4th respondent has initiated steps to take the property. It is the further contention of the petitioner that the petitioner and his predecessors are in possession of the property from 1971 and that the petitioner and his brother have purchased three cents of land each vide two sale deeds, dated 29.05.1992 and 19.09.2001 respectively. In this regard, the petitioner has also sent representation to the 1st respondent.

4.Since the proceedings are sought to be initiated without following the due process law, this Court is inclined pass the following order:

(1)Respondents shall maintain the status-quo and not disturb possession of the property, except in accordance with law.

(2)Before dispossessing the petitioner, the respondents shall issue show cause notice to the petitioner detailing the grounds for dispossessing the petitioner.

(3)Petitioner shall be heard before orders are passed.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk, Sivakasi,
Virudhunagar District.

4.The Block Development Officer,
Sivakasi Union, Sivakasi,
Virudhunagar District.

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SPU(07.07.2020) 3P-5C