



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. Nos. 25385, 25386, 25387, 25388 and 25389 of 2011

A.Jones	..Petitioner in W.P.No.25385 of 2011
D.Ushavani	..Petitioner in W.P.No.25386 of 2011
Kasi Ammal	..Petitioner in W.P.No.25387 of 2011
Veerateswaran	..Petitioner in W.P.No.25388 of 2011
S.Lourdunathan	..Petitioner in W.P.No.25389 of 2011

Versus

- 1.The Secretary
Revenue Department
Union Territory of Puducherry
Puducherry.
 - 2.The Director
Survey and Land Records
Puducherry.
 - 3.The District Collector,
Union Territory of Puducherry
Puducherry.
 - 4.The Deputy Collector cum Land Acquisition Officer,
Land Acquisition Department
Puducherry.
 5. The Tashildar,
Taluk Office,
Kupare Road, Puducherry-1.
 6. The Inspector General of Police
Government of Puducherry
Beach Road, Puducherry.
- .. Respondents in all
the Writ Petitions



Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the property, particularly from dispossessing the petitioners from the petition premises bearing R.S.No.203, Plot No.7, measuring an extent of 1550 Sq.ft., Plot Nos.18 and 19, measuring an extent of 2100 sq.ft., Plot No.43, measuring an extent of 1200 sq.ft., Plot No.32, measuring an extent of 1200 sq.ft., Plot No.35, measuring extent of 1200 sq. ft. Nagamuthu Mariamman Koil st, Shenbaga Nagar, Thattanchavady Village, Gorimedu, Puducherry. respectively.

For Petitioner : Mr. T. Ramachandran

For Respondents : Mr. J. Kumaran

Additional Government Pleader (P)

COMMON ORDER

These writ petitions have been filed, praying for the issuance of Writ of Mandamus to forebear the respondents from interfering with the peaceful possession and enjoyment of the premises in question and also from dispossessing them.

2. According to the petitioners, they purchased the premises situated in R.S.No.203 of Shenbaga Nagar, Thattanchavady Village, Gorimedu, Puducherry. After such purchase, they have put up constructions in the year 1990 and have been residing there. The petitioners have also joined together and formed an association in the name and style of Shenbaga Nagar Welfare Association. While that be so, the sixth respondent lodged a criminal complaint against the petitioners and taking steps to evict all the petitioners from their respective premises on the ground that the premises which were in occupation of the petitioners were public premises. In such circumstances, the petitioners have come forward with the present writ petitions.

3. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader, Puducherry appearing for the respondents and perused the materials available on record.



4. It is the claim of the petitioners that after purchase of their respective premises, they have been in possession and enjoyment and the same without any interruption and their premises would not fall within the ambit of public premises and therefore the respondents shall be restrained from interfering with the peaceful possession and enjoyment of the properties or from dispossessing the petitioners from their respective premises.

5. However, both the learned counsel for the petitioners as well as the respondents submitted that the authorities may conduct an enquiry if not conducted earlier with regard to the possession of the petitioners over the premises and if the petitioners are found to be in possession of public premises/Government property, necessary action may be initiated in a manner known to law.

6. In view of the submissions made by both sides, the respondents 5 and 6 are directed to conduct an enquiry with regard to the subject premises which have been in possession of the petitioners, complete the same in accordance with law after affording reasonable opportunity to the petitioners, and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order.

7. Accordingly, all the writ petitions stand disposed with the above observation. Consequently, connected miscellaneous petitions are closed. No cost.

Sd/-
Assistant Registrar (CS-CO)

// True Copy //

Sub Assistant Registrar

gbi

To

1.The Secretary
Revenue Department
Union Territory of Puducherry, Puducherry.



2.The Director
Survey and Land Records, Puducherry.

3.The District Collector,
Union Territory of Puducherry, Puducherry.

4.The Deputy Collector cum Land Acquisition Officer,
Land Acquisition Department, Puducherry.

5.The Tashildar,
Taluk Office,
Kupare Road, Puducherry-1.

6.The Inspector General of Police
Government of Puducherry
Beach Road, Puducherry.

+1CC to The Government Pleader for Pondichery, SR.No.38949

W.P.Nos.25385, 25386, 25387
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PMK(CO)
B.VC (09/09/2021)