



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.12696 OF 2019

AND

WMP NOS. 12926 & 12927 OF 2019

1. Rajamani
2. S. Sidesh Kumar
3. S. Rajesh Kumar

.... Petitioners

Vs

1. The District Collector,
Salem District,
Salem - 636 001.
2. Revenue Divisional Officer,
Mettur,
Salem District,
Salem - 636 001.
3. Thasildar,
Taluk Office,
Omalur, Salem - 636 455.
4. The Revenue Inspector,
Taluk Office,
Omalur, Salem - 636 455.
5. Subramanian
6. Raghupatti
7. Vaithy Gounder
8. V.Ariya Gounder
9. Muthuswamy @ Kuruvi
10. M.Periyasamy

(R5 to R10 implied as per order
dated 08.11.2021 in W.M.P.No.18177
of 2021 in W.P.No.12696 of 2019)

.... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the third and



fourth respondents herein to implement the direction given by the second respondent vide letter dated 12.02.2019 bearing O.Mu.172/2019-C.

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For Petitioners: Mr.N.Murali

For R1 to R4 : Mr.A.Selvendran
Government Advocate.

For R5 to R10 : Mr.V.Raghavachari

ORDER

This Writ Petition has been filed for issuance of writ of mandamus, directing the third and fourth respondents herein to implement the direction given by the second respondent vide letter dated 12.02.2019 bearing O.Mu.172/2019-C.

2. Heard, Mr.N.Murali, learned counsel appearing for the petitioners, Mr.A.Selvendran, learned Government Advocate appearing for the respondents 1 to 4 and Mr.V.Raghavachari, learned counsel appearing for the respondents 5 to 10.

3. The case of the petitioners is that they are the absolute owners of the property comprised in survey No.25/1B to an extent of 3.15 acres, survey No.24/2 to an extent of 3.43 acres, survey No.24/1 to an extent of 2.70 acres and survey Nos.21/2B & 21/5B to an extent of 1.34 acres situated at Sekkarapatti Village, Omalur Taluk, Salem District. The said lands were purchased by the petitioners by a registered sale deed dated 29.03.2006 vide document No.913 on the file of the Sub Registrar, Salem from one Velasamy Chettiyar Secondary Padasalai Trust. The vendor/Trust had obtained necessary permission from the District Court, Salem vide order dated 17.03.2006 in O.S.No.25 of 2006 for the above said sale. Thus the petitioners became an absolute owners of the said property and they have been constructive possession and enjoyment of the subject property. However, the respondents 5 to 10 who were the old tenants of the trust retained their possession.

4. Therefore, the vendor Trust and the petitioners filed application before the Revenue Court, Trichy in Petition Nos.425 to 427 of 2008 for eviction. By an order dated 03.06.2010, the Revenue Court directed them to hand over the possession of the subject property to the petitioners. The respondents 5 to 10 also challenged the said eviction order in CRP Nos.3131 of 2010, 3075 of 2010, 2648 of 2012 and 1171 of 2012 before this Court. This Court by an order dated 03.11.2014 disposed of the Civil Revision Petition and directed the respondents 5 to 10 to prefer a revision before the District Court, Salem.



5. Accordingly, they filed Civil Revision Petitions in CRP No.1 to 3 of 2015 before the III Additional District Judge, Salem and the same were also dismissed by an order dated 20.04.2016 and thereby confirmed the order of the Revenue Court, Trichy. The Revenue Court, Trichy, has passed an eviction by an order dated 18.08.2018. However, the third respondent failed to implement the same and recover the possession after several months. Therefore, the petitioners made representation on 04.02.2019 before the second respondent to comply with the order passed by the Revenue Court. On receipt of the same, the second respondent issued direction to the third respondent to comply with the order passed by the Revenue Court. Pending writ petition, the respondents 5 to 10 filed petition to implead themselves as a party to the present writ petition, on the ground that they preferred Civil Revision Petitions as against the order passed by the District Court, Salem, thereby confirming the order of eviction.

6. Further, the learned counsel for the respondents 1 to 4 submitted that in pursuant to the direction issued by the third and fourth respondents, notice has been issued to comply the order passed by the second respondent to the respondents 5 to 10 herein. They were duly served and respondents 3 & 4 are taking necessary steps to remove the encroachment from the subject property.

7. Considering the above, the respondents 3 to 4 are directed to comply with the direction issued by the second respondent as per the order of the Revenue Court dated 18.08.2018 vide Na.Ka.No.A1/396/2018, Na.Ka.No.A1/397/2018, Na.Ka.No.A1/398/2018 in petition Nos.425 to 427 of 2018, within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the respondents 5 to 10 are at liberty to challenge the eviction proceedings in the manner known to law.

8. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Lpp



To

1. The District Collector,
Salem District, Salem - 636 001.
2. Revenue Divisional Officer,
Mettur, Salem District,
Salem - 636 001.
3. Thasildar,
Taluk Office,
Omalur, Salem - 636 455.
4. The Revenue Inspector,
Taluk Office,
Omalur, Salem - 636 455.

+4ccs to Mr.N.Murali, Advocate, S.R.No.57501
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.57435
+1cc to the Government Pleader, S.R.No.57887

W.P.No.12696 of 2019

AJS (CO)
PM/23/12/2021