



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17435 of 2021
and
W.M.P.No.18513 of 2021

N.Murugan

... Petitioner

-Vs-

1. The District Collector,
Office of the Collectorate,
Villupuram District.
2. The Tahsildar,
Kandachipuram,
Villupuram,
Villupuram District.
3. The District Superintendent of Police,
Villupuram,
Villupuram District.
4. The Inspector of Police,
Kandachipuram Police Station,
Kandachipuram,
Villupuram.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the second respondent from interfering into petitioner peaceful possession of petitioner's lands comprised in Survey No.110/19 and 110/22 of Odiyathur Village, Villupuram District in any manner without adopting due process of law.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, forbearing the second respondent from interfering into petitioner peaceful possession of petitioner's lands comprised in Survey No.110/19 and 110/22 of Odiyathur Village, Villupuram District in any manner without adopting due process of law.

2. Heard Mr.R.Sreedhar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he purchased the property comprised in Survey No.110/11 ad-measuring 33 cents, in Survey No.110/12B ad-measuring 9 cents, in Survey No.110/14 ad-measuring 28 cents, in Survey No.110/15A ad-measuring 7 cents, in Survey No.110/22 ad-measuring 23 cents and in Survey No.110/19 ad-measuring 1.16 acres at Mathura Thirumalrayapuram, Odiyathur, Villupuram District, by the registered sale deed, dated 21.11.2018, registered vide Document No. 6212 of 2018 from one M.Chandrasekaran and S.Rajasekar. Thereafter, he is in possession and enjoyment of the property and cultivating the same. However, on 27.05.2021, the second and third respondents came along with other Police Personnels and started to survey and measure the said property. They also used JCB and removed the trees. Therefore, the petitioner submitted representation on 16.07.2021, but no action was taken. Though, the respondents took notice, they failed to instruct the Government Advocate even till today.

4. Considering the above, the second respondent is directed not to interfere with the petitioner's peaceful possession and enjoyment of the property comprised in Survey No.110/19 and 110/22 of Odiyathur Village, Villupuram District, without adopting due process of law. It is made clear that the respondents are at liberty to take action on the said land under due process of law.

5. With the above direction, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar



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Villupuram District.
4. The Inspector of Police,
Kandachipuram Police Station,
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+lcc to Mr.R.Sreedhar, Advocate, S.R.No.61783
+lcc to the Government Pleader, S.R.No.62205

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and
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GPL[co]
NSK 05/01/2022