



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 27953 of 2021
and
WMP No. 29515 of 2021

P.K. Mani

.. Petitioner

Versus

1. The District Collector
The office of District Collector
Tirupur
2. The Tahsildar
The office of Tahsildar
Palladam

.. Respondents

Petition 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 situated at S.F. No.4/1A3A in V. Vadamalaipalayam Village, Tirupur District without following the due process of law.

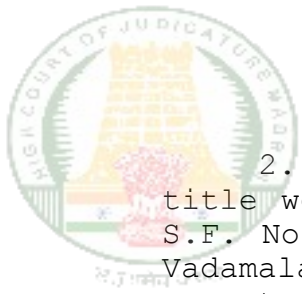
For Petitioner : Mr. I. Abrar Mohamed Abdullah

For Respondents : Mr. Alagu Gowtham
Government Advocate

ORDER

(Order of the Court was made by R.Mahadevan, J.)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus to forbear the respondents from interfering with his peaceful possession and enjoyment of the property situated in S.F. No.4/1A3A at V. Vadamalaipalayam Village, Tirupur District without following the due process of law.



2. According to the petitioner, he and his predecessor in title were in possession and enjoyment of the poromboke land in S.F. No.4/1A3A measuring an extent of 0.80 acres situated at V. Vadamalaipalayam Village. It is further claimed that his ancestors were also in possession of the land measuring 4.90 acres in S.F. No.6/1, which is adjacent to the land in S.F.No.4/1A3A, where the petitioner had planted coconut trees. It is also stated that the petitioner had constructed a superstructure for which he had obtained electricity service connection. That apart, he was issued with B-memo long time ago and he was paying revenue taxes for the same; and he also laid pipeline in his land. While so, he came to know that the revenue authorities are taking steps to issue patta in respect of the said lands to third parties, without putting him on notice. Immediately, the petitioner sent a representation dated 10.12.2021 to the second respondent and expressed his willingness to produce documentary evidence to prove his possession for a long time. Notwithstanding the same, the officials of the second respondent attempted to remove the pipe line erected by the petitioner and to dispossess him from the land in question. Therefore, the petitioner has come forward with this writ petition.

3. The learned counsel appearing for the petitioner submits that the petitioner is in possession of the land in question for a long time. However, the respondents, without any notice or affording him an opportunity of hearing, are attempting to dispossess him from the same. Even though the petitioner submitted a representation dated 10.12.2021, it was not considered so far. Therefore, the learned counsel prayed this Court to issue appropriate direction to the second respondent to consider the representation dated 10.12.2021 of the petitioner and to pass orders thereon after affording an opportunity to him.

4. On the above contention, this Court heard Mr. Alagu Gowthaman, learned Government Advocate, who takes notice for the respondents.

5. Having regard to the above facts and circumstance of the case and the submissions made by the learned counsel on either side, this Court, without expressing any opinion as regards the merits of the claim made by the petitioner, directs the second respondent to consider the representation dated 10.12.2021 of the petitioner, afford him an opportunity of hearing and thereafter, pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
The office of District Collector
Tirupur
2. The Tahsildar
The office of Tahsildar
Palladam

+1cc to Mr. I. Abrar Mohamed Abdullah, Advocate, S.R.No.69725
+1cc to the Government Pleader, S.R.No.69901

WP No. 27953 of 2021

NRL(CO)
CT 10/01/2022