



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.26457 of 2017

C.Palanisamy

... Petitioner

Versus

1.The District Collector
Ariyalur District
Ariyalur.

2.The Tahsildar
Jayankondam Taluk
Jayankondam
Ariyalur District

3.The Village Administrative Officer
Sengunthapuram
Jayankondam
Ariyalur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents from evicting the petitioner from his residential house and petty shop constructed on the land comprised in Survey No.48/5, Sengunthapuram Village, Jayankondam Taluk, Ariyalur District having extent of 1600 sqft., without following the due process of law.

For Petitioner : Ms.Sri Ranjani
for Mr.T.R.Prabakaran

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

O R D E R

This Writ Petition has been filed, for the issuance of Writ of Mandamus, forbearing the respondents from evicting the petitioner from his residential house and petty shop constructed



on the land comprised in Survey No.48/5, Sengunthapuram Village, Jayankondam Taluk, Ariyalur District having extent of 1600 sqft., without following the due process of law.

2.The learned counsel for the petitioner submitted that, the petitioner was allotted a land classified as Gramanatham by the then Sengunthapuram Panchayat in the year 1990. He has constructed a residential house in the said land and a petty shop in the house to meet out his livelihood. The petitioner is also paying house tax continuously and trade license fees to the Jayankondam Municipality for running a petty shop. He obtained electricity connection separately for his house and petty shop and paying electricity charges. While so, the respondents 2 and 3 visited the petitioner's house and asked them to vacate and threatened the petitioner to demolish the house and the petty shop.

3.He would further submit that without serving any notice to the petitioner, the respondents 2 and 3 visited the house of the petitioner on 10.08.2017 & 28.08.2017 and asked him to vacate the house. The petitioner has also made a representation to the respondents 1 and 2 requesting them not to evict him without following the due process of law. Hence, the present writ petition has been filed.

4.The learned Government Advocate appearing for the respondents would submit that the respondents have not taken any action against the petitioner and no action will be taken without following the due process of law, in the event, the respondents have any intention to evict the petitioner.

5.Taking into consideration the facts and circumstance of the case, there shall be a direction to the respondents to follow the due process of law and thereafter undertakes the process of eviction, in the event, the respondents have any right over the property.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar



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To:

1.The District Collector
Ariyalur District
Ariyalur.

2.The Tahsildar
Jayankondam Taluk
Jayankondam
Ariyalur District

3.The Village Administrative Officer
Sengunthapuram
Jayankondam
Ariyalur District.

+1cc to Mr.T.P.Prabakaran, Advocate SR.No.60830
+1cc to the Government Pleader, SR.No.61478

W.P.No.26457 of 2017

CA(CO)
CB(17/12/2021)