



WEB COPY

W.A.(MD)No.270 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

**W.A. (MD)No.270 of 2021
and CMP(MD) No.883 of 2021**

Ariyanaachi

:Appellant/Writ Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer
Tirumangalam
Madurai District.

2.The Tahsildar
O/o. the Tahsildar Madurai West,
Madurai District.

: Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.15582 of 2020 dated 06.11.2020.

Prayer in WP(MD). 15582/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus or any other orders or direction in the nature of writ directing the respondent Nos.1 and 2 not to dispossess the petitioner of the lands in Survey No.189/4 and 189/5 Vadapalanji Village, Madurai West Taluk, Madurai District within time frame stipulated by this Honourable Court.

For Appellants

:Mr.T.Lajapathi Roy

For Respondents

: Mr.K.P.Krishnadoss

Special Government pleader

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The appellant, who is admittedly paying B Memo charges, filed writ petition seeking a writ of Mandamus directing the respondents not to dispossess her without following the due process of law. The learned single Judge, upon finding that the petitioner is paying B-



Memo charges and thus, having no legal right, is liable to be removed, issued a direction to the respondents to remove her, if she does not vacate within the time granted.

2.The learned counsel for the appellant submitted that law requires a procedure to be followed. In such view of the matter, the order of the learned Judge requires interference.

3. The learned Special Government Pleader submitted that the appellant merely paying B-Memo charges does not have vested right. The land has been earmarked for distribution among landless poor.

4. Law requires procedure to be followed, even assuming the appellant does not have legal or vested right to continue in eternity. An eviction order therefore to be passed, after following due procedure. In such view of the matter, we are inclined to set aside the order of the learned single Judge giving liberty to the respondents to follow the procedure before undertaking the eviction. Till the completion, the appellant shall not be removed.

5. The writ appeal stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

1.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer
Tirumangalam, Madurai District.

2.The Tahsildar
O/o. the Tahsildar Madurai West,
Madurai District.

+1 CC to Spl GP (SR-4005[F] dated 09/02/2021)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-3959[F] dated
09/02/2021)

Order made in
W.A. (MD)No.270 of 2021
08.02.2021