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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.377 of 2020
and
W.M.P.No.426 of 2020

R.Marimuthu ... Petitioner

Vs

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri.
3. The Special Tahsildar (Adi Dravidar Welfare),
Krishnagiri.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from initiating any action to disturb the peaceful possession and enjoyment of the property of the petitioner, situated at house and shops in Agasipalli Village, S.No.556/2B, Avathanpatti, Krishnagiri Taluk & District, which was constructed in a patta land in S.No.556/2B.

For Petitioner	:	Mr.C.Prabakaran
For Respondents	:	Mr.S.Rajesh Government Advocate

O R D E R

This writ petition is filed to issue a Writ of Mandamus forbearing the respondents from initiating any action to disturb the peaceful possession and enjoyment of the property of the petitioner, situated at house and shops comprised in S.No.556/2B, situated Agasipalli Village, Avathanpatti,



Krishnagiri Taluk & District, which was constructed in a patta land in S.No.556/2B.

2. During the lifetime of the petitioner's grand-father, the Government of Tamil Nadu intended to provide free house-site pattas to the Harijan families of Avathanapatti Village, Krishnagiri Taluk & District on their representation, for which, they intended to acquire the lands belonged to his grand-father to an extent of 1.98 acres comprised in S.No.555/2. The third respondent issued notice under Section 4(1) of the Land Acquisition Act, 1894 and the subject land was acquired and the third respondent also passed an award. Thereafter, free house-site pattas were issued to the Harijan people in the year 1980 itself. The petitioner's grand-father also owned the land comprised in S.No.565/2B, which are adjacent to the land acquired by the Government of Tamil Nadu comprised in S.No.555/2. Further, the petitioner's grand-father constructed a dwelling house in the said land and after his demise, the petitioner's father and his family members were residing there. His grand-father had also constructed small shops near the house for the purpose of running a provision shop, etc. and at present, now, the petitioner running the said shop. Therefore, the petitioner filed the present Writ Petition to forbear the respondents from initiating any action to disturb the peaceful possession and enjoyment of the property of the petitioner, situated at house and shops comprised in S.No.556/2B, situated Agasipalli Village, Avathanpatti, Krishnagiri Taluk & District.

3. The counter affidavit is filed by the third respondent, from which, it reveals that an extent of 1.89 acres comprised in S.No.555/2 and the land comprised in S.No.556/2B ad-measuring an extent of 0.09 acre, altogether an extent of 1.98 acres, situated Agasipalli Village, Avathanpatti, Krishnagiri Taluk & District was, acquired in the year 1981 for the purpose of issuance of free house-sites to the poor house-less Ad-Dravidars of said Village and the award was also passed in Award No.19/80-81 dated 23.02.1981. Thereafter, the free house-site pattas were also issued to the poor house-less Adi-Dravidars of the Village and the beneficiaries have constructed respective houses and are residing there. However, the petitioner had encroached some portion of the property and constructed house and shops. The third respondent, while measuring the acquired land, found that the petitioner encroached some portion of the land and instructed the Revenue Divisional Officer to evict the petitioner from the encroached portion.



4. In view of the above, this Writ Petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri.
3. The Special Tahsildar (Adi Dravidar Welfare),
Krishnagiri.

+1cc to the Government Pleader, S.R.No.1058

W.P.No.377 of 2020

PL (CO)
SU (31/01/2022)