



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5310 of 2022

and

W.M.P.Nos.5397 & 5399 of 2022

- 1.Poosamooapar
- 2.Rajangam Poosamooapar
- 3.Poosamooapar

...Petitioners

Vs.

1. The Special Commissioner,
Land Administration Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The District Collector,
Office of the Collectorate,
Kallakurichi - 606 202.
3. The District Revenue Officer,
Office of the Collectorate,
Kallakurichi - 606 202.
4. The Revenue Divisional Officer,
Office of the Collectorate,
Kallakurichi - 605 202.
5. The Tahsildar,
Chinna Salem,
Kallakurichi District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondents 3 to 5 from interfering with petitioners' peaceful possession and enjoyment of their property comprised in Sy.No.84, Poosapadi Village, Kallakurichi - 606 201, till such time the appeal dated 28.02.2022 is heard and decided by the 1st respondent.

For Petitioners : Mr.P.Vasanth

For Respondents : Mr.A.Anandan
Government Advocate



ORDER

The petitioners have filed this petition seeking issuance of a Writ of Mandamus to forbear the respondents 3 to 5 from interfering with petitioners' peaceful possession and enjoyment of their property comprised in Sr.No.84, Poosapadi Village, Kallakurichi - 606 201, till such time the appeal dated 28.02.2022 is heard and decided by the first respondent.

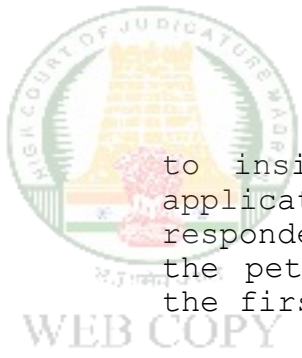
2. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioners is that, they are the absolute owners of the property comprised in Sr.No.84, Poosapadi Village, Kallakurichi, Tamil Nadu - 606 201, measuring an extent of 30 acres 75 cents and the said property is ancestral property and the petitioners are in occupation of the said property and they are cultivating the entire property in Sr.No.84. The petitioners have paid all the property taxes to the authorities concerned and the Patta, adangal, chitta, A-Registrar everything stands in the name of the petitioners and they are in peaceful possession and enjoyment of the said property without any hindrance. Further, the case of the petitioners is that, the old Revenue records maintained by the Special Assistant Settlement Officer, Kallakurichi, dated 30.06.1921 indicates that the property in Sr.No.84 belongs to Maniyam Poosamooppar, Ariyanaachi Ammal, Perumayee Ammal & Poosamooppar who are the ancestors of the petitioners. Further in the year 1983, the Revenue authorities issued the Patta in favour of Annar Poosamooppar and Thambi Poosamooppar vide Patta No.351. Even prior to that, the petitioners' father was granted Patta vide Patta No.52.

4. While such being the position, the petitioners have received notice from the 2nd respondent calling upon the petitioners to appear for enquiry before the 3rd respondent with records pertaining to the property in Sr.No.84, pursuant to the complaint made by one R.Durai and one Devaraj, alleging that petitioners have occupied the Panchami land. Accordingly, the meeting was scheduled on 27.12.2021. the petitioners had produced all the records right from 1921 before the 3rd respondent. While so, on 21.02.2022, petitioners received a registered post from the 2nd respondent stating that their property in Sr.No.84 was declared as Lake pursuant to the proceedings of the 3rd respondent dated 30.12.2021 in Na.Ka.AA6/7396/2021. Aggrieved by the above said order of the 3rd respondent, the petitioners preferred an appeal before the Land Commissioner on 28.02.2022 and the same is pending. However, due to pendency of the appeal,



9. In view of the above facts and circumstances and the submissions made, this Court is not inclined to grant any interim direction in favour of the petitioners, however, this Court issues direction to the 1st respondent to dispose of the appeal itself, dated 28.02.2022 filed by the petitioners within a period of twelve weeks from the date of receipt of copy of this order, after affording an opportunity to the petitioners and the aggrieved persons if any. The petitioners are at liberty



to insist the 1st respondent to first dispose of the stay application that would be filed by the petitioners. Further, the respondents are directed not to take any coercive action against the petitioners till the disposal of the appeal pending before the first respondent.

10. This writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tri/skt
To

1. The Special Commissioner,
Land Administration Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The District Collector,
Office of the Collectorate,
Kallakurichi - 606 202.
3. The District Revenue Officer,
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Kallakurichi - 606 202.
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Office of the Collectorate,
Kallakurichi - 605 202.
5. The Tahsildar,
Chinna Salem,
Kallakurichi District.

+2 ccs to Mr.P.Vasanth, Advocate Sr.NO. 15603
+1 cc to Government Pleader Sr.NO. 16662

W.P.No.5310 of 2022
and
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mt (CO)
A.SK(28/03/2022)