



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6332 of 2022
and
W.M.P.No.6433 of 2022

Manohar

... Petitioner

Vs.

1. The District Collector, Puducherry.

2. The Tahsildar,
O/o. Deputy Collector (Revenue) South,
Villianur, Puducherry-605 110.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 2nd respondent from any manner interfering with the petitioner's property in R.S.143/4, Kathakasthar No.674, Patta No.841, Plot No.15 and 16 to the Southern side 30 feet and Northern side 100 feet and the total extent of 3000 sq.ft., at Bhagur Panchayat, Kumaran Nagar.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.J.Kumaran

Additional Government Pleader
(Pondicherry)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus forbearing the 2nd respondent from any manner interfering with the petitioner's property in R.S.143/4, Kathakasthar No.674, Patta No.841, Plot No.15 and 16 to the Southern side 30 feet and Northern side 100 feet and the total extent of 3000 sq.ft., at Bhagur Panchayat, Kumaran Nagar.

2. The learned Additional Government Pleader appearing for respondents take notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner



purchased the property in R.S.No.143/4, Kathakasthar No.674, Patta No.841, Plot No.15 and 16 to the Southern side 30 feet and Northern side 100 feet and the total extent of 3000 sq.ft., at Bhagur Panchayat, Kumaran Nagar. While so, on 18.02.2022, the petitioner came to know that, the 2nd respondent without issuing any notice has acquired the petitioner's land and leveled the same and stored sand and gravel in the above said land. Challenging the same, this writ petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that, without any acquisition notice and without following due process of law, the 2nd respondent tried to encroach the petitioner's property, which is illegal and arbitrary. Hence, he prayed for appropriate orders .

5. The learned Additional Government Pleader appearing on behalf of the official respondents fairly submitted that, the petitioner's property was already acquired by following due process of law and he further submitted that, the petitioner will be evicted after following due process of law. Accordingly, prayed for dismissal of this petition.

6. Recording the submissions made by the learned Additional Government Pleader for the respondents, as the petitioner's land was acquired by following due process of law, the respondent is directed to evict the petitioner after following due process of law. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Psa
To

1. The District Collector, Puducherry.
2. The Tahsildar,
O/o. Deputy Collector (Revenue) South,
Villianur, Puducherry-605 110.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.19221
+1cc to the Government Pleader, S.R.No.19007

W.P. No.6332 of 2022

SV(CO)
CT 22/04/2022