



Writ Petition No.38367 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.38367 of 2015 and
M.P.No.1 of 2015

K.S.Masilamani

... Petitioner

VS.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Block Development Officer,
Valavanthinadu Village,
Semmedu,
Kolli Hills,
Namakkal District.
3. The Special Sub Inspector of Police,
Valavanthinadu Police Station,
Kolli Hills,
Namakkal District.
4. The Village President,
Valapur Nadu Panchayat,
Kolli Hills and Taluk,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus directing the respondents not to evict the



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petitioner without the due process of law as contemplated under Land Acquisition Act, 1894 in respect of land situated in survey Nos.208 and 209 of Keelsangathupatti Village, Valapur Nadu and Panchayat, Kolli Hills and Taluk, Namakkal District.

For Petitioner : Mr.T.Padmanabhan
For R1 and R3 : Mr.T.K.Saravanan
Government Advocate
For R2 and R4 : No appearance

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents not to evict the petitioner without the due process of law as contemplated under Land Acquisition Act, 1894 in respect of land situated in survey Nos.208 and 209 of Keelsangathupatti Village, Valapur Nadu and Panchayat, Kolli Hills and Taluk, Namakkal District.

2. The case of the petitioner is that he is in possession and enjoyment of the ancestral property in S.Nos.208 and 209 situated in Keelsangathupatti Village, Valapur Nadu and Panchayat Kolli Hills and Taluk, Namakkal District and Patta in respect of the same was also issued in favour of the petitioner. Thereafter, the third and fourth respondents without issuing any



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notice gave hindrance to the petitioner's possession stating that the above said properties were acquired for the purpose of laying road. While so, the petitioner made a representation before the first and second respondents on 29.11.2015 seeking not to evict the petitioner without following due process of law. Since the same was not considered by the first and second respondent, the present writ petition has been filed seeking the aforesaid relief.

3.Though very many grounds have been raised in the present writ petition it would suffice if this Court issues a direction to respondents 1 and 2 to consider the petitioner's representation dated 29.11.2015 and pass appropriate orders within the time frame that may be stipulated by this Court.

4. Learned Government Advocate appearing for respondents 1 and 3 submitted that if the petitioner is in possession the same will not be disturbed without following due process of law.



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WEB COPY 5. Recording the submission made by the learned Government Advocate appearing for the respondents 1 and 3, no further adjudication is necessary in the present Writ Petition. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.10.2022

RAP

To:

1. The District Collector,
Namakkal District,
Namakkal.
2. The Block Development Officer,
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Semmedu,
Kolli Hills,
Namakkal District.
3. The Special Sub Inspector of Police,
Valavanthinadu Police Station,
Kolli Hills,
Namakkal District.
4. The Village President,
Valapur Nadu Panchayat,
Kolli Hills and Taluk,
Namakkal District.

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M.DHANDAPANI, J.

RAP

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