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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2022
CORAM
THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN
WP.No.11298 of 2020 and
WMP.No.13775 of 2020

S.Pappa

... Petitioner

Vs

1.The District Collector,
Salem,
Salem (D.T).

2.The Scheme Director,
District Rural Development Camp,
Salem,
Salem (D.T).

3.The Rural Development Officer(Panchayats),
Salem,
Salem (D.T).

4.The Block Development Officer,
Omalur Union,
Omalur (T.K),
Salem (D.T).

5.The Tahsildar,
Taluk Office,
Omalur (T.K),
Salem (D.T).

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 not to evict the petitioner from her land in S.Nos.153/7, 153/8 an extent of 500.78 and 820.71 sq.ft. respectively situated at Palbakki Village, Omalur Taluk without following the due process of law.

For Petitioner : Mr.M.Elango

For Respondents : Mr.G.Ameedius,
Government Advocate

ORDER

This writ petition is filed for direction directing the respondents 1 to 4 not to evict the petitioner from her land in S.Nos.153/7, 153/8 to an extent of 500.78 and 820.71 sq.ft. respectively situated at Palbakki Village, Omalur Taluk without following due process of law.



2. The case of the petitioner is that the land comprised in S.Nos.153/7, 153/8 to an extent of 500.78 and 820.71 sq.ft. respectively situated at Palbakki Village, Omalur Taluk classified as natham land is in possession and enjoyment of the petitioner for the past several years. The petitioner's predecessor was issued patta under patta Nos.461 and 462 on 15.04.2016. While being so, on 25.06.2020 the third respondent came to subject land and informed that in the subject land, it was proposed to be constructed a school building and therefore directed the petitioner to vacate and hand over the vacant possession, without following due process of law. Even assuming that the petitioner is an encroacher, the respondents ought to have followed the due process of law to evict the petitioner from the subject property.

3. Considering the above, the respondents are directed not to evict the petitioner from the land comprised in S.Nos.153/7, 153/8 to an extent of 500.78 and 820.71 sq.ft. respectively situated at Palbakki Village, Omalur Taluk without following due process of law.

4. With the above direction, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar (CS VIII)

/true copy/

Sub Assistant Registrar

lok

To

1.The District Collector,
Salem,
Salem (D.T).

2.The Scheme Director,
District Rural Development Camp,
Salem,
Salem (D.T).

3.The Rural Development Officer(Panchayats),
Salem,
Salem (D.T).



4.The Block Development Officer,
Omalur Union,
Omalur (T.K),
Salem (D.T).

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5.The Tahsildar,
Taluk Office,
Omalur (T.K),
Salem (D.T).

+1cc to Mr.M.Elango, Advocate Sr.No.2540

+1cc to Government Pleader, Sr. No.3066

WP.No.11298 of 2020

PMK(CO)
KM(01/02/2022)