



W.P.No.15257 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.15257 of 2014

and

MP.No.1 of 2014

R.Elangovan

...Petitioner

Vs.

1. The District Collector,
O/o. The District Collector,
Coimbatore.
2. The Superintendent of Police,
Tirupur District.
3. The Inspector of Police,
Chettypalayam Police Station,
Coimbatore, Tirupur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent from interfering with the petitioner's peaceful possession of the lands situated in S.F.No.552/3 belonging to the petitioner in Malumichampatti Village, Coimbatore South Taluk.

For Petitioner : Mr.L.Abrar Md Abdullah



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For Respondents : Mr.U.Bharanidharan, AGP

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to forbear the 3rd respondent from interfering with the petitioner's peaceful possession over the land comprised in S.F.No.552/3 situated at Malumichampatti Village, Coimbatore South Taluk.

2. The case of the petitioner is that he claims to be the owner of the subject land and the same was purchased by him from one Asathulla Ismail, vide registered sale deed Doc.No.159/2012 dated 11.01.2012 for valid sale consideration. Whiles, on 11.06.2014, the 3rd respondent along with his subordinates and five other people visited the petitioner's land and interfered with the petitioner's possession over the subject land and have also removed the boundary stones laid. Hence, the petitioner has filed the present Writ petition with the above relief.

3. Learned counsel for the petitioner submitted that, though the petitioner is in possession of valid title over the subject property, the 3rd



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respondent, at the instigation of some third parties, is continuously interfering with the petitioner's possession and he came to the petitioner's land along with one Kumarasamy and Aruchamy and made attempts to measure the same, which is not sustainable and it will adversely affect the interest of the petitioner. Hence, he prayed for appropriate orders.

4. Learned Additional Government Pleader appearing for the respondents submitted that the 3rd respondent has accompanied the said Kumarasamy and Aruchamy only as per the orders of this Court dated 10.01.2014 & 24.02.2014 made in CrI.O.P.No.32934 of 2013 & 3852 of 2015 respectively. He further submitted that, the respondents will not interfere with the petitioner's possession over the subject property without following due process of law.

5. This Court perused the counter affidavit filed by the 3rd respondent, a perusal of which reveals that, the 3rd respondent has visited the subject property, accompanied by said Kumarasamy and Aruchamy, only to comply with the orders of this Court. For better appreciation, the



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relevant portion of the para 6 of the counter affidavit is extracted as follows:

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6. I submit that on the strength of the petitions of Kumarasamy and Aruchamy accompany with the Hon'ble High Court order in Criminal Original Petition No.32934/2013 dated 10.01.2014 and Crl.O.P.No.3852/ 2014 dated 24.02.2014. On deposit of fee for Police bandobust duty paid, when the said petitioner was accompanied with Thiru. Abbas, Baladurai, Land Surveyor of Revenue department by about 10 A.M. had been to the land and when the petitioner and some other people who had been here resisted the Surveyor for not accompanied with concern Revenue records and concerned Revenue officials like Village Administrative Officer and hence myself and police party returned back as the surveyor could not survey the land for want of Revenue records and the same was intimated to the Tahsildar, Madukkarai through my sub ordinate Sub inspector of Police, Chettipalayam Police Station, the copy of the same is enclosed herewith.

Recording paragraph 6 of the counter affidavit filed by the 3rd respondent and the submissions made by learned Additional Government Pleader, this Court is of the view that, no further order is necessary in this Writ petition.

6. Accordingly, this Writ petition stands closed with a liberty to the petitioner to workout the remedy in the manner known to law. No costs.



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Consequently, connected Miscellaneous petition is closed.

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Index : Yes/No

Speaking order : Yes/No

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M.DHANDAPANI, J.

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