



WEB COPY



W.P.No.18400 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.18400 of 2014

&

M.P.No.1 of 2014

Narayanan

...Petitioner

Vs.

- 1.The Secretary to Government,
Home Department,
Department of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The District Collector,
Perambalur District,
Collectorate, Perambalur.
- 3.The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
- 4.Thangaraj.
- 5.Rajendran.
- 6.Panneerselvam.
- 7.Jayaraman.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents, 1 to 3 their men, agents and servants from interfering with the petitioner's possessory right and interest in the land bearing survey No.10/3 and situate in Kalanivasal village, Okalur (West) village, Kunnam taluk, Perambalur district except by a due process of law.



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For Petitioner : Mr.J.Deliban
For Respondents : Mr.Alagu Gowtham, [for R1 to R3]
Government Advocate
Mr.Tamizh Thendral [for R4 to R7]
for Mr.P.Mani

ORDER

Heard Mr.Deliban, learned counsel for the petitioner and Mr.Tamizh Thendral, learned counsel for the private respondents. The official respondents are represented by Mr.Alagu Gowtham, learned government Advocate.

2. The prayer in the petition seeks for a mandamus forbearing R1 to R3 from interfering with the petitioner's possession right and interest in the land bearing survey No.10/3 and situate in Kalanivasal village, Okalur (West) village, Kunnam taluk, Perambalur district (property in question) except by due process of law.

3. The learned counsel for the petitioner and the private respondents would accede to the position that the parties are before the Civil court over dispute in regard to the possession of the property in question. Thus, it would be appropriate that the parties settle their disputes before the civil court itself.

4. The 2nd respondent/District Collector, Perambalur District his vide



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counter dated 10.11.2020 has brought to the attention of this Court that the lands in question are under the cultivation of the petitioner and one Anjalai.

Thus and in fact, the ownership of the lands would vest, according to him, with the Arulmigu Kuttram Porutharul Swamy Temple, Aduthurai.

5. At Paragraph 4(b), they refer to talks that are ongoing between the cultivating tenants and the temple, for negotiations, for acquisition of 4 acres of land for a welfare scheme proposed by the State. Needless to say, any interference by the State in the right of the petitioner must be in strict compliance of applicable rules and regulations and in accordance with law.

6. This Writ petition is closed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

22.12.2022

mpl

Index : Yes/No

Speaking Order/Non speaking Order



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DR.ANITA SUMANTH,J.
mpl

To

1.The Secretary to Government,
Home Department,
Department of Tamil Nadu,
Fort St.George, Chennai-9.

2.The District Collector,
Perambalur District,
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3.The Inspector of Police,
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