



WEB COPY



WP.No.25531 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.25531 of 2022

R.Ramachandran

... Petitioner

Vs

1. The District Collector,
Collectorate, Salem District.
 2. The Revenue Division Officer,
Collectorate, Salem District.
 3. The Block Development Officer,
Kollapatti, Salem West Taluk,
Tirumalagiri Post, Salem – 636 307.
 4. The Tahsildar,
Sormangalam, Jagirammappalayam,
Salem West, Salem District.
 5. The Village Administrative Officer,
Santhaipettai, Tirumalaigiri Village,
Salem West Taluk, Salem District – 606 102.
 6. The Panchayat President,
Thirumalaigiri Village, Thirumalaigiri Post,
Salem West Taluk, Salem District – 600 102.
- ... Respondents



WP.No.25531 of 2022

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus to forbear the respondents herein not to interfering with petitioner peaceful possession and enjoyment over the property situated at Salem District, Santhaipettai, Tirumalaigiri Village, in Survey No.65/2, to an extent of 360 sq.ft. without following due process of law on the basis of petitioner representation dated 22.07.2002.

For Petitioner : Mr.C.Jayaraman

For Respondents : Mr.N.Naveen Kumar,
Government Advocate

ORDER

This writ petition has been filed to forbear the respondents herein not to interfering with petitioner peaceful possession and enjoyment over the property of the petitioner without following due process of law on the basis of petitioner representation dated 22.07.2002.

2. It is the case of the petitioner that the property situated at Salem District, Santhaipettai, Tirumalaigiri Village in survey No.65/2 to an extent of 360 sq.ft. has been assigned to the father of the petitioner by the Government in HSD No.478/85-86 dated 30.07.1985 and the assignment



WP.No.25531 of 2022

WEB COPY

patta was granted to the petitioner. The petitioner and his family members were in continuous possession and enjoyment of the property. On 19.12.2019, the petitioner's father died leaving behind the petitioner and his family members as his legal heirs. While so, in the month of June, 2022, the respondents 4 to 6 were compelling the petitioner and his family members to handover the land for the purpose of constructing Government Block without following any due process of law. Hence, the present Writ Petition has been filed for the aforesaid relief.

3. In the counter, it is stated that on inspection for construction of OHT and other public utilities, it is found that the land in question was classified as grama natham and according to them an extent of 360 sq.ft. was assigned to the deceased father of the petitioner by way of conditional patta during the year 1985. However, the petitioner did not have any construction of his own and not with his possession. In the pretext of patta, the petitioner is trying to grab and encroach in Survey No.65/2 of the said with malafide intention. Hence, opposed the Writ Petition.



WP.No.25531 of 2022

WEB COPY

4. The assignment in favour of the petitioner's father for an extent of 360 sq.ft. is not in dispute. The assignment patta is also produced, wherein specific boundaries have been given. In such view of the matter, the respondents shall not interfere with the possession of the petitioner in respect of 360 sq.ft. of the land assigned to the petitioner as per the assignment patta of the year 1985 in HSD No.578/85-86. However, under the pretext of assignment, the petitioner cannot claim any right over other area in the same survey number.

5. With the above directions, this Writ Petition is disposed of. No costs.

08.12.2022

vrc

1. The District Collector,
Collectorate, Salem District.
2. The Revenue Division Officer,
Collectorate, Salem District.
3. The Block Development Officer,
Kollapatti, Salem West Taluk,
Tirumalagiri Post, Salem – 636 307.



WP.No.25531 of 2022

4. The Tahsildar,
Sormangalam, Jagirammalayam,
Salem West, Salem District.
5. The Village Administrative Officer,
Santhaipettai, Tirumalaigiri Village,
Salem West Taluk, Salem District – 606 102.
6. The Panchayat President,
Thirumalaigiri Village, Thirumalaigiri Post,
Salem West Taluk, Salem District – 600 102.



WEB COPY



WP.No.25531 of 2022

N.SATHISH KUMAR, J.

vrc

WP.No.25531 of 2022

08.12.2022