



WP.No.24686 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.24686 of 2017
and
WMP. No.26047 of 2017

Velayutham

..Petitioner

Versus

- 1 The District Collector,
Salem District, Salem.
- 2 The Tahsildar,
Omalur Taluk, Omalur, Salem District.
- 3 The Project Officer,
Salem District Rural Development Agency,
Collectorate, Salem.
- 4 The Assistant Director,
Panchayat, Salem District, Salem.
- 5 The Commissioner/ Block
Development Officer,
Omalur Panchayat Union,
Omalur, Salem District.



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6 The District Divisional Engineer,
Construction of Amma Park,
Pachanampatty Village & Post,
Omalur Taluk, Salem District.

7. The Inspector of Police,
Omalur Police Station,
Omalur, Salem District.

..Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their subordinates from interfering with the peaceful possession and enjoyment of the petitioner and his family members in their property/ agricultural land in S.No.59/11 measuring an extent of 77 1/2 cent situated at Pachanampatty Village, Omalur Taluk, Salem District without following any due process of law as contemplated under the Land Acquisition Act or any other Laws in force.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.U.Bharanidharan, RR1 to 4, 6 & 7
Mr.D.R.Maheswaran R5

ORDER

The petitioner has filed the present writ petition forbearing the respondents and their subordinates from interfering with the peaceful possession and enjoyment of the petitioner and his family members in their



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property/ agricultural land in S.No.59/11 measuring an extent of 77 1/2 cent situated at Pachanampatty Village, Omalur Taluk, Salem District without following any due process of law as contemplated under the Land Acquisition Act or any other Laws in force.

2. The case of the petitioner is that the property had been purchased by the petitioner's grandmother vide sale deed No.1220 of 1946 in S.No.59/11 measuring an extent of 77 ½ cents. The petitioner and his family members are absolute owners of the property and they are in possession and enjoyment of the property till date. That being the situation, the respondents 2 to 6 have trespassed into the property of the petitioner and made survey for construction of park without initiate any acquisition, for which, the petitioner has filed a suit in O.S.No.179 of 2017 before the Sub Court, Mettur and the said Court was granted interim order of status quo in I.A.No.159/2017 dated 16.08.2017. Even then, the respondents have tried to interfere with the petitioner's property and left with no other alternative remedy, the petitioner has filed the present writ petition before this Court.



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3. The learned counsel for the petitioner submitted that the Civil Court was granted interim order of status quo in I.A.No.159/2017 dated 16.08.2017 and however, the respondents have not obeyed the order of the civil court and doing the construction activities of Amma Park in the petitioner's land without any authority of law and they have no right to interfere with the petitioner's possession. Therefore, this Court may issue a suitable direction to the respondents not to disturb the petitioners' possession.

4. Heard, the learned counsel for the petitioner as well as the learned counsel appearing for the Government and perused the materials available on record.

5. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, permits the petitioner as well as the respondents to canvas all the points before the Civil Court, where the suit is pending.



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6. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Internet:Yes/No

Speaking/Non speaking

Note:Issue order copy on 07.11.2022

To

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5/6



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Salem District.



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