



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.7989 of 2010

and

M.P(MD)No.1 of 2010

Kanagaraj

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Oddanchathram Taluk,
Dindigul District.

3.A.Basheer,
Tahsildar,
Oddanchatram Taluk,
Dindigul District.

4.The Special Tahsildar,
Harijin Welfare,
Palani.

5. M. Mariammal,
The Special Tahsildar,
Harijin Welfare, Palani.

6.The Revenue Inspector,
Oddanchathram Taluk,
Dindigul District.

7.The Village Administrative Officer,
Oddanchathram Village,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing respondent Nos.2 to 6 to restore the petitioner's house and the other properties in Survey No.13/1B1 as stood before 14.06.2010 and further directing respondent Nos.2 to 6 to pay compensation for illegal trespass and demolition of the petitioner's property without adhering any of the procedure prescribed by law.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.M.P.Senthil
For Respondent : Mr.A.Baskaran,
Nos.1,2,4,6 & 7 Additional Government Pleader
For Respondent : No appearance
No.5
: R3 dismissed vide order
dated 18.12.2012

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ORDER

This writ petition is filed for a mandamus directing the respondents to restore the petitioner's house and other properties in Survey No.13/1B1 as stood before 14.06.2010 and also for compensation of the illegal trespass and demolition.

2.When the matter is taken up for hearing today, the learned Counsel for the petitioner is not ready and requests a short accommodation to get instructions.

3.The learned Additional Government Pleader appearing for the official respondents submits that the petitioner is an encroacher and he has been evicted from the encroachments by following due process of law by the respondents. Aggrieved over the same, the present writ petition has been filed.

4.The respondents filed a counter affidavit that this writ petition has been filed by the petitioner in the strength of the decree passed by the District Munisif Court, Palani in O.S.No.96 of 2001. The land in survey Nos.13/1B and 14/2B was acquired by the Adi-Dravidar Welfare Department. One of the land owners one T.Subramani challenged the acquisition proceedings upto the Hon'ble Supreme Court in C.A.No.6481 of 2002 (S.L.P.No.3781 of 2001) and the Hon'ble Supreme Court granted an order of *status quo* in the year 2001. While so, the petitioner has approached the civil Court and obtained an order of ex-parte decree in O.S.No.96 of 2001.

5.The learned Additional Government Pleader further submits that the appeal preferred before the Hon'ble Apex Court was dismissed. Therefore, this petitioner is not entitled for any patta as against the acquisition proceedings. However, the petitioner has encroached the land and put up a hut and therefore, the department has issued notice under Section 7 of the Tamil Nadu Land Encroachment Act and has also removed the encroachments by proceedings of the Tahsildar, Oddanchathiram in Na.Ka.No.3450/2010/B4, dated 09.05.2010.

6.This writ petition was filed in the year 2010. Perusal of the records shows that the petitioner sought adjournments, when the



matter was taken up for hearing on 25.02.2019, 14.03.2019, 27.03.2019, 12.04.2019, 27.09.2019, 07.11.2019, 07.02.2022 and 16.03.2022. Even this Court on 16.03.2022 has recorded that the learned Counsel for the petitioner has been repeatedly seeking adjournments in this matter and even today, he is not ready and on the last hearing he sought time to get instructions to know the present status of the dispute.

7. Even today, the learned Counsel for the petitioner seeks time on the very reason. Though counter affidavit has been filed by the respondents, the petitioner has not filed any reply or rejoinder.

8. Despite sufficient opportunity provided to the petitioner, he is not ready to proceed with the case. Therefore, this Court has no other option, except to proceed with the case with the available materials.

9. The respondents have filed a counter affidavit stating that the land of this petitioner's father in S.F.No.114/2B was acquired for the purpose of constructing Adi Dravidar Welfare House in the year 1983. The award was passed on 29.03.1983. The acquisition proceedings was challenged by another land owner upto the Hon'ble Supreme Court in C.A.No.6487 of 2002 and the Hon'ble Supreme Court has ordered *status quo*. During the pendency of the case before the Hon'ble Supreme Court, the petitioner filed a suit before the District Munsif Court, Palani in O.S.No.96 of 2001 and obtained an ex-parte decree.

10. When the Hon'ble Apex Court during the litigation has granted an order of *status quo*, this Court cannot give any weightage to the ex-parte decree. The Department has also initiated action under Section 7 of the Tamil Nadu Land Encroachment Act with regard to the encroachment made by the petitioner and subsequently it was also removed in the year 2010. The petitioner without any valid document is claiming possession and restoration of the properties.

11. In view of the acquisition proceedings on the petitioner's land, this Court is not inclined to entertain this writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition also stands dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



dsk

To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Oddanchathram Taluk,
Dindigul District.

3. The Special Tahsildar,
Harijin Welfare,
Palani.

4. The Revenue Inspector,
Oddanchathram Taluk,
Dindigul District.

5. The Village Administrative Officer,
Oddanchathram Village,
Dindigul District.

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-17671[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP. (SR-18126[F] dated 12/04/2022)

W.P (MD) No. 7989 of 2010
08.04.2022

SG (CO)

KB (29.04.2022) 4P 8C