



WEB COPY

W.P.No.4883 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4883 of 2023 &
W.M.P.No.4906 of 2023

- 1.Periyannan @ Vellaiyan
- 2.Sithan
- 3.Kandhasamy
- 4.Krishnan
- 5.Chinnannan
- 6.Vasantha
- 7.Manikandan
- 8.Manivannan

... Petitioners

Vs.

- 1.The District Collector,
O/o. District Collectorate Office,
Salem District,
Salem.
- 2.The Tahsildar,
Salem South,
Salem District,
Salem.
- 3.The Branch Manager,
Small Industrial Development Corporation (SIDCO),
Salem District,



Salem.

4.The Revenue Divisional Officer,
Salem District,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 2 and 3 any way interfering in the peaceful possession of the petitioners in survey No: in survey No.1/244-1, 1/245.01, 1/244-2, 1/245-3, 1/216, 1/248 at Amman Nagar, Periya Seeragapadi & Post, Salem – 639 305 without following due process of law and consequently directing the respondents to consider the petitioner representation dated 14.12.2020 within the time frame fixed by this Court.

For Petitioner : Mr.R.Thirumoorthy
for Mr.S.Rajanikanth

For Respondents 1 & 2 : Mr.C.Jayaprakash
Government Advocate

For Respondent 3 : Mr.A.Nagarajan

ORDER

The relief sought for in the present writ petition is to forbear the respondents 2 and 3 from interfering in the peaceful possession of the petitioners in survey Nos.1/244-1, 1/245.01, 1/244-2, 1/245-3, 1/216 & 1/248



at Amman Nagar, Periya Seeragapadi & Post, Salem – 639 305 without following due process of law and also to direct the respondents to consider the petitioner's representation dated 14.12.2020 within a time frame to be fixed by this Court.

2. The petitioners state that they have been given assignment of house sites in the subject property described in the present writ petition. The petitioners claim that they are in possession of their respective portion of the land and the authorities are interfering with their peaceful possession and enjoyment. Thus, they are constrained to move the present writ petition.

3. The learned counsel for the petitioners states that the petitioners are in possession of certain documents to establish that they are entitled to continue in the said land.

4. High Court cannot conduct a roving enquiry with reference to the title or ownership or otherwise. The nature of relief as such sought for to forebear the respondents from interfering with the possession of the petitioners cannot be granted, in the absence of adjudication before the



competent Civil Court of law or otherwise.

5. The learned counsel appearing on behalf of the third respondent / Small Industrial Development Corporation states that the petitioners are in encroachment of the property belonging to SIDCO.

6. The learned Government Advocate furnished a copy of the proceedings of the District Collector, Salem dated 12.06.2020, wherein it is stated that the subject property has been allotted to SIDCO for the purpose of developing food park for the benefit of the people at large.

7. In view of the fact that the District Collector has passed an order, this Court cannot grant any relief as such sought for in the present writ petition. Whether the petitioners are encroachers or not has to be determined by the competent authority. If the Government properties are encroached, then the encroachers have to be evicted by following the procedures as contemplated.

8. Mere apprehension raised by the petitioners cannot provide a cause for the petitioners to file the present writ petition. More so, the petitioners



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approaching the High Court has to establish a right. Such an adjudication must be done before the competent authorities and therefore, if at all any grievance exists, the petitioners have to approach the authorities and the writ petition on hand is premature and the writ petitioners have not established any cause for the purpose of entertaining this writ petition.

9. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2023

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Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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