



W.P.No.7075 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7075 of 2023

S.Murugan

.. Petitioner

Vs

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Mettur Dam-636 401,
Salem District.
- 3.The Tahsildar,
Mettur Taluk Office,
Mettur Dam – 636 401.
Salem District.
- 4.The Assistant Divisional Engineer,
Rural, Highways Department,
District Combined Court, Salem Backside,
Salem-636 007.



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5.The Assistant Engineer,
Rural, Highways Department,
District Combined Court, Salem Backside,
Salem-636 007.

6.The Block Development Officer,
Mecheri Panchayat,
Mettur Taluk,
Salem District.

7.Kandasamy

8.Selvendran

9.Prabhakaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 5 and 6 not to evict the petitioner from the premises which is situated in old survey No.132a to the ex 4.57.5 and new survey No.394/6 to the total extent of 0.9010.0 which is situated at Pottaneri Village, Mecheri, Mettur Taluk, Salem District based on the representation of the petitioner dated 11.02.2023.

For the Petitioner : Mr.M.Senthilkumar

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 to 5



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:
Mr.P.Muthukumar
State Government Pleader
for respondent No.6

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

S.Murugan, son of Semban, a resident of Pottaneri Village, Mettur Taluk, Salem District, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 5 and 6 not to evict the petitioner from the premises which is situated in Old Survey No.132a to the extent of 4.57.5 and New Survey No.394/6 to the total extent of 0.9010.0 which is situated at Pottaneri Village, Mecheri, Mettur Taluk, Salem District, based on the representation of the petitioner dated 11.2.2023.

2. Mr.M.Senthilkumar, learned counsel appearing for the petitioner, would submit that the petitioner is in possession and enjoyment of the land in question, which is classified as "Natham" for the past 17 years. As respondents 5 and 6 are taking steps to



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evict the petitioner, the petitioner sent a representation to the respondent authorities on 11.2.2023 requesting them not to evict the petitioner. Since the said representation did not evoke any response, the petitioner has been advised to file this writ petition.

3. Although learned counsel for the petitioner states that the land in question is classified as "Natham" in the revenue records, no shred of material has been produced before this court to substantiate the said submission. Learned counsel for the petitioner, in support of his submission, referred to a decree granted in his favour by the learned District Munsif, Mettur, in O.S.No.144 of 2015, dated 27.7.2021. However, the said decree cannot be treated as an authority with regard to the classification of the land in question, without there being any supporting revenue record.

4. It is seen from the documents filed in support of the writ petition that the petitioner had earlier filed W.P.No.5426 of 2023 seeking an identical relief stating that without issuing any notice,



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the respondent authorities are proceeding to evict the petitioner.

Considering the fact that the petitioner had averred in the affidavit about the issuance of the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, this court by order dated 24.2.2023 dismissed the writ petition. Even in this second round of litigation the claim made by the petitioner is that the respondent authorities are attempting to evict the petitioner without following the procedure contemplated under law. However, the petitioner did not produce any scintilla of material to show that the land is classified as "Natham" in the revenue records.

5. In other words, it is a calculated plan of the petitioner to get an order from this court enjoining the respondent authorities from evicting him from the land in question in future. In the absence of any material to show that the land in question is classified as "Natham" in the revenue records, this court is unable to entertain the writ petition.



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In the result, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.7150 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
08.03.2023

Index : No
Neutral Citation : No
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