



WEB COPY



W.P.No.25461 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25461 of 2016

and

W.M.P.Nos.21777 & 21778 of 2016

A. Kandasamy

... Petitioner

Vs.

1.Union of India,
Government of Puducherry,
Rep.by its Chief Secretary,
Secretariat,
Puducherry.

2.The Union Territory of Puducherry,
Rep., by its Secretary,
Revenue Department,
Secretariat,
Puducherry.

3.The Commissioner,
Oulgarpet Municipality,
Oulgarpet,
Puducherry.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the third respondent from dispossessing the petitioner from the land situate in Puducherry Registration District, Oulgarpet Sub-Registration District, Oulgarpet Municipal Limits, Thattanchavady Revenue



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Village, Thialspet, Ayyanar Koil Street, RS.No.277/3, Cadastre No.1777 Part. East to West 18 feet, South to North 90 feet totalling 1620 sq.ft (which includes the property now classified as RS.276/4 Ca 3.12) without following the due process of law.

For Petitioner : Mr. P. Dinesh Kumar

For Respondents : Mr. P.S. Govindaraman
Government Advocate (Puducherry)

ORDER

The writ petition has been filed to forbear the third respondent from dispossessing the petitioner from the land situated in Puducherry Registration District, Oulgarpet Sub-Registration District, Oulgarpet Municipal Limits, Thattanchavady Revenue Village, Thialspet, Ayyanar Koil Street, RS.No.277/3, Cadastre No.1777 Part. East to West 18 feet, South to North 90 feet totalling 1620 sq.ft (which includes the property now classified as RS.276/4 Ca 3.12) without following the due process of law.

2. Learned counsel appearing for the respondents would submit that now the notice have been issued under Form A and eviction proceedings have been initiated. In such view of the matter, the writ petition cannot be maintainable at this stage.



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3. Learned counsel appearing for the petitioner would submit that the very initiation of the proceeding is not according to law. Therefore, seeks a direction.

4. This Court is of the view that the very limited relief is sought in the writ petition is not to evict him, except by due process of law. In such view of the matter, whether the proceedings have been initiated properly or not is not subject matter of this writ petition. Accordingly, the Writ Petition is closed and if at all any such proceedings are initiated, it is well open to the petitioner to challenge it as per law. Consequently connected miscellaneous petitions are closed. No costs.

31.01.2023

Index :Yes/No

Neutral Citation: Yes / No

AT

To

1.The Chief Secretary,
Union of India,
Government of Puducherry,
Secretariat, Puducherry.

2.The Secretary,
Union Territory of Puducherry,
Revenue Department,
Secretariat, Puducherry.

3.The Commissioner,
Oulgarpet Municipality,
Oulgarpet, Puducherry.



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N.SATHISH KUMAR, J.

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