



WEB COPY



W.P.No.10351 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10351 of 2022

And

W.M.P.Nos.10075 of 2022 and 16787 of 2023

R.Krishnan

... Petitioner

Vs.

1.The Executive Engineer,
Water Resource Organisation,
Public Works Department,
Mettur Division,
Mettur Dam,
Salem District.

2.The Assistant Engineer,
Water Resource Organisation,
Public Works Department,
Mettur Dam – 1,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner from the house situated in Block No.6, House Site No.14/2, Land Piece No.2 to the extent of 0.03 cent situated at Kolnaickanpatti, Mettur Taluk, Salem District which was assigned to the petitioner dated

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06.04.1997 by the Government and permit the petitioner to do the renovation work of his house.

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from evicting the petitioner from the house situated in Block No.6, House Site No.14/2, Land Piece No.2 to the extent of 0.03 cent situated at Kolnaickanpatti, Mettur Taluk, Salem District, which was assigned to the petitioner dated 06.04.1997 by the Government and permit the petitioner to do the renovation work of his house.

2.The case of the petitioner is that the petitioner was issued free house site patta for the subject property by the Government vide assignment order dated 06.04.1997 and inorder to grab the same, the petitioner's sons started threatening the petitioner and hence, he lodged a complaint on 05.10.2021 to the Mettur Police Station and after enquiry, the petitioner's sons gave undertaking that they will not disturb the possession of the petitioner and that they will maintain him



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in proper manner. The petitioner wanted to renovate the house, however, the respondents entered near the petitioner's house and alleged that the land belongs to the Public Works Department and directed the petitioner not to renovate the house and to vacate the premises. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the Revenue Department assigned the land in favour of the petitioner in terms of RSO 21 and after assignment, the petitioner is in continuous possession and enjoyment of the property. Though there is dispute inbetween the petitioner and his sons, the respondents cannot claim that the property belongs to PWD and further submitted that till date, the assignment order was not cancelled and hence, interfering with the petitioner's possession is not sustainable one.

4.The learned Additional Government Pleader appearing for the respondents submitted that though the petitioner was given assignment order in respect of the subject property, he has not obtained Revenue Patta for the same and hence, PWD is entitled to evict the petitioner from the premises.



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5. Heard the arguments advanced on either side and perused the materials available on record.

6. The facts in the present case is not in dispute. Admittedly, the Revenue Department assigned the subject property in favour of the petitioner in terms of RSO 21 and after assignment, the petitioner is in continuous possession and enjoyment of the property. The respondents themselves admit that the petitioner was given assignment order in respect of the subject property. Unless the assignment order is cancelled in the manner known to law and if any violation of assignment order, the respondents have no rights to evict the petitioner. Without due process of law, the respondents have no power to evict the petitioner and the petitioner is entitled to succeed in the writ petition.

7. The writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

15.06.2023

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Speaking Order/ Non Speaking Order

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Index: Yes/ No
Internet: Yes/ No

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M.DHANDAPANI,J.
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