



W.P.No.11750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11750 of 2023

S.Tamil Pavai

...Petitioner

Vs

- 1.The District Collector,
Collectorate, Salem District.
- 2.The Revenue Division Officer,
Collectorate,
Salem District.
- 3.The Block Development Officer,
Kollapatti,
Salem West Taluk,
Tirumalagiri Post,
Salem – 636 307.
- 4.The Tahsildar,
Sormangalam,
Jagirammappalayam,
Salem West, Salem District.
- 5.The Village Administrative Officer,
Santhaipettai,
Tirumalaigiri Village,
Salem West Taluk,
Salem District – 606 102.



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6.The Panchayat President,
Thirumalaigiri Village,
Thirumalaigiri Post,
Salem West Taluk,
Salem District – 600 102.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents herein to interfering with petitioner peaceful possession and enjoyment over property situated at Salem District, Santhaipettai, Tirumalaigiri Village in Survey No.65/2 to an extent of 550 sq.ft. without following due process of law.

For Petitioner : Mr.N.Saravanan

For Respondents : Mr.R.P.Murugan Raja,
Government Advocate
for R1, 2, 4 and 5

Mr.Yashwanth,
Additional Government Pleader
for R3 and 6

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The prayer sought for in the present Writ Petition is to forbear the respondents herein from interfering with the petitioner's peaceful



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possession and enjoyment over the property in Survey No.65/2 to an extent of 550 sq.ft., situated at Salem District, Santhaipettai, Tirumalaigiri Village.

3.It is the claim of the petitioner that the property, measuring to an extent of 550 sq.ft. in S.No.65/2, situated at Tirumalaigiri Village, Salem District belongs to her and she is in enjoyment of the same from 11.07.1986 onwards. The petitioner also claims that patta in Sl.No.125 was also granted for the said property.

4.It is the apprehension of the petitioner that the sixth respondent is illegally attempting to dispossess the petitioner from the property, without following the due process of law.

5.While the sixth respondent had attempted to dispossess the petitioner from a different portion of the same property in S.No.65/2, this Court by its order dated 02.09.2022, had recorded the submission of the learned Government Advocate that the petitioner's possession will not



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be disturbed without following due process of law and closed the writ petition in W.P. No.23634 of 2022.

6.It is needless to point out that in case, the sixth respondent requires to dispossess the petitioner for whatever a reason, the same could be done only in accordance with law, after giving due opportunities to the petitioner herein.

7.Thus, the writ petition stands closed by observing that the petitioner's possession over 550 sq.ft. of land in S.No.65/2 shall not be disturbed except under due process of law. No costs.

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Index:Yes/No

Speaking order/Non-speaking order

vga



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M.S.RAMESH,J.

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