



W.P.No.20697 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20697 of 2023

and

W.M.P.No.20058 of 2023

1.K.Kandasamy

2.Mr.K.Muniappan

3.Mr.K.Ayyanar

4.Tmt.Bagyam

5.Tmt.Periyammal

... Petitioners

Vs.

1.The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Chennai, Tamil Nadu.

2.The Collector,
Salem District.

3.The Deputy Director of Health Services,
Salem District.

4.The Tahsildar,
Salem West Taluk, Salem District.



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5. The Block Development Officer,
Salem Union, Salem District.

6. The Village Administrative Officer,
Inam Vedagatham Patti Village,
Salem West Taluk, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st to 6th respondents not to interfere in the peaceful enjoyment and possession of the petitioner in their property and to allow further construction work of the hospital in petitioner property (Survey No.74, Patta Nos.572 and 573 at Vedugathampatti, Salem West).

For petitioners : Mr.A.Thangamani

For Respondents :
(For R1 to R4 and R6) : Mr.G.Krishnaraja,
Additional Government Pleader.

(For R5) : Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The writ on hand has been instituted to direct the respondents 1 to 6 to not to interfere with the peaceful possession and enjoyment of the petitioners in respect of the subject property.



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2. The petitioners claim ownership in respect of the subject property described in the present writ petition. The grievances of the writ petitioners are that the respondents are interfering with the peaceful possession and enjoyment of the property belonging to the petitioners. If at all the subject property is a Patta land belonging to the petitioners and any third party is interfering with their possession, then the remedy is to approach the competent Civil Court of law for the purpose of adjudication of issues and if there is any boundaries dispute, then also the petitioners are at liberty to approach the Authorities or resolve the issues through the Civil Court. Contrarily, the High Court, in a writ proceedings, cannot conduct a roving enquiry in respect of the civil rights between the parties, which is to be undertaken based on the documents and evidences available on record.

3. Thus, the petitioners are at liberty to approach the competent Authorities for the purpose of conducting survey of the subject property or to resolve the issues through the competent Civil Court of law in the manner known to law.



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4. With this direction, the Writ Petition stands **disposed of**.

Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

veda/sha

To

1. The Secretary,
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Chennai, Tamil Nadu.
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Salem District.
3. The Deputy Director of Health Services,
Salem District.
4. The Tahsildar,
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S.M.SUBRAMANIAM, J.

sha

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and

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