



W.P.No.20662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.20662 of 2023

1. Sengottaiyan
2. Rukmani
3. Settupaiyan @ Vaiyapuri

.. Petitioners

Vs

1. The District Collector
Salem Collectorate
Fort Main Road
Salem District – 636 001.
2. The Revenue Divisional Officer
Sankari
Salem District – 637 301.
3. The Tahsildar
Edappadi
Salem District – 637 101.
4. The Block Development Officer
Edappadi Panchayat Union
Salem District – 637 101.

5. Muniappan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from interfering with the petitioners' peaceful possession and enjoyment of their patta lands in S.No.262/1A in Vattaikurai Kaadu, Puliyampatti, Chithur Panchayat, Edappadi Panchayat Union in Salem District beyond the extent demarcated within our patta land (in S.No.262/1A) as water way (Odai) running for a width of 6 ft, except by due process of law.

For the Petitioners	: Mr.D.Shivakumaran
For the Respondents	: Mr.P.Muthukumar State Government Pleader assisted by Mrs.R.Anitha Special Government Pleader for respondents 1 to 3

ORDER

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

We have heard Mr.D.Shivakumaran, learned counsel for the petitioners, and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for respondents 1 to 3.



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2. Learned counsel for the petitioners submits that a notice was issued on 17.8.2022 and the petitioners have replied to the said notice. Thereafter, now the respondents are trying to disturb the patta land of the petitioners by widening the bund as a cart track. As such, the respondents be restrained from disturbing the possession of the petitioners without following due process of law.

3. The relief sought to be claimed is in a way of an injunction which certainly can be considered by the civil court.

4. In the light of that, we are not inclined to pass any order on the merits of the matter.

5. It is submitted that the petitioners have also given a representation to the Collector (page 62). The Collector and/or the authority competent to decide the representation shall take a decision on the same on merits and in accordance with law and policy.



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The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.No.20028 of 2023 is closed. W.M.P.No.20027 of 2023 filed by the petitioners to permit them to join together and file a single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(P.D.A., J.)

14.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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