



W.P.No.22016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.22016 of 2023

and

W.M.P.No.21388 of 2023

Chinnaiyan

... Petitioner

Vs.

1. The District Collector,
Office Of The District Collector,
Salem District.

2. The Revenue Divisional Officer,
Office Of The Revenue Divisional Officer,
Salem Division, Salem District.

3. The Tahsildar,
Valapadi Taluk Office,
Valapadi, Salem District.

4. The Block Development Officer,
Valapadi Panchayat Union ,
Valapadi, Salem District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents herein, from in any manner, dispossessing the petitioner from petitioner's



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above said property comprised in S.No. 16/5 of an extent of 1 Acre situated at Ponnarampatti Village, Valapadi Taluk, Salem district till the disposal of the Civil suit filed by petitioner in O.S.No. 14/ 2021 on the file of the learned District Munsif Court, Valapadi, Salem District.

For Petitioner : Mr.B.Santhanam

For Respondents :
(for R1 to R3) : Mr.G.Krishna Raja,
Additional Government Advocate
(for R4) : Mr.K.Suresh,
Government Advocate

ORDER

The relief sought in the present writ petition is to direct the respondents from in any manner dispossessing the petitioner.

2. The petitioner states that he is in possession and enjoyment of the agricultural land comprised under Survey No.16/5 of an extent of 1 Acre situated at Ponnarampatti village, Valapadi Taluk, Salem District. The petitioner states that he is in possession of the said land for about 50 years. The Tahsildar issued 2(C) Patta and therefore, he is in possession and enjoyment of the land. Now the respondents are attempting to dispossess the writ petitioner and he has already and admittedly instituted a civil suit



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in O.S.No.14 of 2021 on the file of the District Munsif Court, Valapadi.

The suit is pending.

3. The relief now sought for in the present writ petition is to forbear the respondents from dispossessing the petitioner. After institution of a Civil Suit for injunction, a writ petition seeking the same relief is not entertainable under Article 226 of the Constitution of India. More so, the petitioner is in possession of the Government Poramboke land and it is not made clear whether the assignment has been made in accordance with the law by the competent authorities. Since the subject land is a Government Poramboke land, the Government is empowered to resume the land for the purpose of utilising the same for developing the public project or otherwise.

4. The learned counsel for the petitioner states that the petitioner, if at all to be evicted, due process is to be followed even under the Encroachment Act or under the general procedures. Thus, the authorities competent have to follow the procedures and accordingly evict the petitioner from the Government Poramboke land.

5. In the present case, the petitioner is not possessing any order of



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assignment from the Government or by the competent authorities. Thus, there is no impediment for evicting the petitioner from the Government Poramboke land. The respondents are directed to resume all such vast extent of Government lands and utilise the same for public purposes.

6. The District Collector, Salem is directed to review assignment of the patta granted in respect of the Government lands and initiate all appropriate actions to prevent abuse of public property by private individuals for their personal gains.

7. With these directions, the writ petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

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