



WEB COPY



W.P.No.22724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22724 of 2023
and W.M.P.No.22173 o f 2023

Mariyappan

...Petitioner

Vs.

1.The Block Development Officer,
Mecheri,
Mettur Taluk, Salem District.

2.The Village President,
32, M.Kallipatti Village,
Mettur Tauk, Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents not to disposes the petitioner from the land in Survey No.368/6 an extent of 2 acres at M.Kallipatti Village, Mettur Taluk, without following the due process of law.

For Petitioner : Mr.M.Elango

For Respondents : Mr.C.Selvaraj
Additional Government Pleader



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ORDER

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The writ petitioner seeks issuance of a writ of mandamus directing the respondents not to dispossess the petitioner from the land in S.No.368/6, with an extent of 2 acres at M.Kallipatti Village, Mettur Taluk, without following the due process of law.

2.It is the case of the petitioner that the above said land is classified as rock poramboke in the Revenue Records and the forefathers of the petitioner had come into the possession of the above said land 100 years ago and from then onwards they have been in possession and enjoyment. It is also stated by the petitioner that he and his forefathers have been cultivating the above said land by raising various seasonal crops and they are residing in a portion of the land by erecting a house. It is also stated that electricity service connection is extended to his house and he has been paying the property tax to the Local Authority. It is also stated by the petitioner that he had made several representations to the Revenue Authority seeking to reclassify the above said land and to grant patta in his name and the same is under consideration.



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3.In the affidavit filed in support of this writ petition, it is asserted by the petitioner that the respondents came to his property on 13.07.2023 and insisted the petitioner to vacate the land immediately. The petitioner was also informed that if he fails to vacate the land, he will be evicted from the property forcibly. Aggrieved by the same, the petitioner filed the present writ petition.

4.Mr.C.Selvaraj, learned Additional Government Pleader appearing for the respondents 1 & 2, on instructions submits that as on date there is no proposal by the respondents to remove the petitioner from the above said land.

5.It is settled law that a person in possession cannot be evicted except by following due process of law even by the Original owner of the property. Therefore, this writ petition is disposed of with a direction to the respondents not to dispossess the petitioner without following due process of law. In case, the respondents want to take any action for eviction of the petitioner, the same shall be done only in accordance with law.



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S.SOUNTHAR, J.

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6. With these observations, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

17.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Block Development Officer,
Mecheri,
Mettur Taluk, Salem District.

2. The Village President,
32, M.Kallipatti Village,
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