



W.P.No.30707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.30707 of 2023

and

W.M.P.Nos.30370 & 30371 of 2023

1. K.C.Velusamy

2. P.Govindasamy

... Petitioners

Vs.

1. The District Collector,
Collectorate,
Erode.

2. The District Revenue Officer,
Collectorate,
Erode.

3. The Revenue Divisional Officer,
O/o The Revenue Divisional Office,
P.S.Park Brough Road,
Erode.

4. The Tahsildar,
Taluk Office,
Modakkurichi (PO),
Erode District.

5. The Special Tahsildar (Land Acquisition),



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Modakurichi Taluk Land Acquisition Section,
Collectorate, Erode.

...

Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to take proposal acquire petitioner's land which is in S.No.1160 Vadugapatti Village, Modakurichi Taluk, Erode District.

For Petitioners : Mr.S.Kolandasamy

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

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ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents not to acquire petitioner's land which is in S.No.1160 Vadugapatti Village, Modakurichi Taluk, Erode District.



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2. Learned counsel appearing for the petitioners submitted that each of petitioners are in possession and enjoyment of the property/land to an extent of 3.0 acres in S.No.1160, Vadugapatti Village, Modakurichi Taluk, Erode District. The petitioners have been assigned the abovesaid land from Poomi Thanam Board and they are cultivating the land for the past three decades. The petitioners have this only land for their survival. On 10.03.1992, the Field Inspectors of Boomi Dhanam Board inspected the abovesaid land and ascertained their possession and enjoyment. The Special Deputy Tahsildar of Boomi Dhanam Board from Madurai had also issued a copy of Memorandum of the proceedings letter (B.B.) No.2/196H dated 08.07.1992.

3. He further submitted that the first respondent had already allotted 80 cents of poramboke land to construct Pollan Manimandapam in Jayaramapuram, Modakurichi Taluk. While so, on 14.09.2023, the second respondent had inspected their land and proposed to acquire the land for the construction of Pollan Manimandapam. Since the respondents are attempting to acquire the land to construct 'Pollan Manimandampam', the petitioners are before this Court.



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4. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. Originally the subject land belonged to Boomi Dhanam Board. It is the contention of the petitioners that they have been assigned 3.0 acres of land each from Poomi Dhanam Board and they are cultivating the land for more than 40 years. Admittedly, neither notice was issued nor notification/proposal/communication was sent to the petitioners with regard to the acquisition of their land. It is merely an apprehension of the petitioners that the respondents attempting to acquire their land. The petitioners have not proved that the respondents have taken steps to acquire the land without adhering the rules as per law.

6. Since there is no cause of action arising in this writ petition, the Writ Petition is dismissed. However, the petitioners are at liberty to workout their remedy in the manner known to law. No costs. Connected



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miscellaneous petition in W.M.P.No.30370 of 2023 is ordered on payment of separate court fees by each of the petitioners. Consequently, connected miscellaneous petition No.30371 of 2023 is closed.

30.10.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The District Collector,
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Collectorate, Erode.
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P.VELMURUGAN, J.

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