



W.P.No.11616 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.11616 of 2017

and

WMP.No.12632 of 2017

R.Vasanthakumari

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Petitioner

/vs/

1.The Government of Tamil Nadu,
rep.by its Secretary to Government
Revenue Department,
Fort St.George, Chennai – 600 009.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar,
Thiruvallur Taluk & District.

4.The Special Tahsildar
Land Acquisition
Thiruvallur Taluk and District.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents, their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the Thatched house property of the petitioner comprised



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comprising in S.No.182/3 of an extent of 483 $\frac{3}{4}$ sq.ft, and S.No.182/4 of an extent of 722 sq.ft. Situated at Sevapettai Village, Thiruvallur Taluk and District, without following due process of law.

For Petitioner ... Mr.A.Ramalingam

For Respondents ... Mr.P.Gurunathan
Additional Government Pleader

ORDER

The writ petition has been filed to issue a Writ of Mandamus forbearing the respondents, their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the Thatched house property of the petitioner comprised in S.No.182/3 of an extent of 483 $\frac{3}{4}$ sq.ft, and S.No.182/4 of an extent of 722 sq.ft. situated at Sevapettai Village, Thiruvallur Taluk and District, without following due process of law.

2.The case of the writ petitioner is that the property is “Grama Natham” property. Originally, one Kuppammal had enjoyed the property and obtained Patta, thereafter, the petitioner had purchased the same from the said Kuppammal under a registered sale deed dated 15.07.1999 and constructed the structure and had been enjoying the same without any



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interruption since 1999 by paying tax. In support of the same, she annexed the copy of the tax receipt, which clearly shows that the property is “Natham” property and the petitioner is in possession and enjoyment of the same. The contention of the petitioner is that since the petitioner is in possession and enjoyment of the property, if the respondents need the property for public purpose, they will take possession of the property from her by following due process of law, otherwise, they cannot disturb her possession.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4.Considering the fact that the land is “Natham land” and originally one Kuppammal enjoyed the property and also obtained Patta, thereafter only, the writ petitioner purchased the property and had also paid tax for the structure and now she is in possession and enjoyment of the same, this court is inclined to allow the writ petition.



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WEB COPY 5. In view of the above, the writ petition is allowed. However, if the respondents need the property of the petitioner for public purpose, they have to follow the due process of law. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Speaking Order: Yes/No
Neutray Case Citation: Yes/No
sms

08.11.2023

To

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P.VELMURUGAN,J.

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