



WEB COPY

W.P. No.30061 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30061 of 2023

K.Rathinasamy

... Petitioner

Vs.

1. The District Collector
Office of the Collectorate
Salem District
2. The Special Tahsildar, Adidraavidar Welfare
Office of the Attur Tahsildar
Attur Town and Taluk,
Salem District
3. The Inspector of Police
Veeraganur Police Station
Thalaivasal Taluk
Salem District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Mandamus directing the respondent authorities 1 and 2 to dispose of the petitioner's representation dated 25.09.2023 in the light of the order passed in W.P.No.8681 of 1982 dated 21.08.1982 within such time as may be stipulated by this Court.



For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.R.P.Murgan Raja
Government Advocate for
R1 and R2
Mr.S.Sugendran
Additional Government Pleader
for R3

ORDER

This writ petition is filed for a writ of Mandamus directing the respondent authorities 1 and 2 to dispose of the petitioner's representation dated 25.09.2023 in the light of the order passed in W.P.No.8681 of 1982 dated 21.10.1982 within such time as may be stipulated by this Court.

2. The contention of the petitioner is that during the year 1980 there was a proposal to acquire the land in Survey No.108/11 under the Adidraavidar Welfare Scheme and challenging the same, the petitioner's grandmother had filed a writ petition before this Court in W.P.No.8681 of 1982 and this Court by order dated 21.10.1982 quashed the acquisition proceedings initiated by the 2nd respondent. Subsequently, the appeal filed by the Government in W.A.No.17 of 1985 was also dismissed. Now, the 2nd



respondent is trying to encroach the property with the help of police. Hence, the petitioner made a representation dated 25.09.2023 requesting the authorities not to interfere with his property and not to disturb his peaceful possession and enjoyment. However, the petitioner is under the threat of dispossession. Hence, the present writ petition is filed.

3. Whether the 2nd respondent is trying to dispossess the petitioner without any jurisdiction with the help of police, are all matters of evidence and it has to be decided only by the Civil Court and not by the writ Court. Unless the facts are established, this Court cannot pass any orders.

4. Therefore, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. However, there shall not be order as to costs. The petitioner is at liberty to work out his remedy in the manner known to law.

17.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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