



W.A. No.2845 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.A. No.2845 of 2018
and CMP.Nos.23683 and 23684 of 2018

Bhanumathi

.. Appellant

Vs.

1. The Special Commissioner and
Commissioner of Land Admn.,
Chepauk, Chennai 5.
2. The Collector of Nilgiris District,
Uthagamandalam/Nilgiris 643001.
3. The Revenue Divisional Officer,
Gudalur, Nilgiris 643 212.
4. The Superintendent of Police,
Nilgiris District,
Uthagamandalam/Nilgiris 643001.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 02.11.2018 made in WP.No.12281 of 2013 passed by the learned Single Judge of this Court.



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For appellant : Mr.Rajnish Pathiyil

For respondents : Mrs.Geetha Thamaraiselvan

JUDGMENT

(The Judgment of the Court was delivered by D.KRISHNAKUMAR, J)

The appellant filed the above Writ Petition praying to forbear the respondents from dispossessing him except by due process of law.

2. It is the contention of the appellant that she purchased the property measuring an extent of 3 acres in Survey No.165/3 by way of a registered sale deed for a valuable consideration. The land was initially assigned to the originally assignee. Since the original assignee had committed certain violations of the terms and conditions of the assignment, the authorities had initiated action against the original assignee and the matter went up to the Supreme Court of India and order was passed in favour of the Department.



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Therefore, the appellant filed the above Writ Petition praying to forbear the respondents from dispossessing the petitioner except by due process of law.

3. The learned Single Judge while dismissing the Writ Petition has observed as follows:

"10.This apart, the relief sought for to forbear the petitioner and her family from the property, which can be done only by following the due process of law, seems to be an omnibus prayer and the same cannot be granted.

11.This Court is of an opinion that the authorities competent are empowered to follow the procedures contemplated for restoring the land and accordingly, dispossess the petitioner in accordance with the procedures contemplated."

4. In the light of the order of the learned Single Judge, this Court is of the view that the respondents are empowered to restore the land as per the procedure contemplated under law. We make it clear that if the respondent initiates the proceedings for recovery of possession against the first respondent, the same shall be done in accordance with law as observed by the Writ Court after giving opportunity to the appellant.



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5. With the above directions, the Writ Appeal is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J] [P.B.B., J.]
10.07.2023

Speaking order: Yes/No
Index : Yes/No
pvs

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D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

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