



W.P.(MD) No.19474 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.19474 of 2023
and
W.M.P.(MD) No.16101 of 2023**

Rajesh

... Petitioner

-VS-

- 1.The District Collector,
Karur District, Karur
- 2.The District Revenue Officer,
Karur, Karur District.
- 3.The Tahsildar,
Kadavur Taluk,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents not to dispossess the petitioner without following the due procedure established under law from New S.Nos.100/2D1 & 100/2I1, Kullarengam Patti, Mathagiri Post, Kadavur Taluk, Karur District.



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For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.D.Sachikumar,
Additional Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.D.Sachikumar, learned Additional Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition is filed for issuance of a writ of mandamus directing the respondents not to dispossess the petitioner, without following the due process of law, from the property comprised in new Survey Nos.100/2D1 & 100/2I1 of Kullarengam Patti, Mathagiri Post, Kadavur Taluk, Karur District.

4. The petitioner states that he is running a Tea Stall in new Survey Nos. 100/2D1 & 100/2I1 and he is residing in the same place. It is the case of the petitioner that he is paying property tax and other dues to the



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Local Body. Though the petitioner admits that the subject property is classified as “Vandi Pathai Poramboke”, it is stated by him that he is in peaceful possession and enjoyment of the same for long number of years. The limited prayer, which the petitioner seeks in this writ petition, is that he shall not be evicted from the subject property, other than by way of due process of law.

5. In the facts and circumstances of the case, this Court is inclined to dispose of this writ petition in the following lines:

“The respondents shall follow the procedures in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905, before evicting the petitioner from the subject property.”

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No



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