



W.P(MD)No.26541 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26541 of 2023

and

W.M.P.(MD)No.22819 of 2023

Periyakumarasamy

... Petitioner

Vs.

- 1.The District Collector,
Dindigul, Dindigul District.
- 2.The District Revenue Officer,
Dindigul, Dindigul District.
- 3.The Revenue Divisional Officer,
Palani, Dindigul District.
- 4.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.
- 5.The President,
Sindhalavadampatty Panchayat,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the



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respondent from taking coercive steps of taking over the property of the petitioner in survey No.25/1A, admeasuring 40 cents of Sindhalavadampatty village, Oddanchatram Taluk, Dindigul District as per the decree in O.S.No.1364 of 2022 on the file of Sub Court, Oddanchatram dated 22.12.2022 without following the procedure contemplated under Land Acquisition Act, 1894 by considering the representation dated 21.10.2023.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R4.
Mr.M.Prakash,
Add. Government Pleader for R5.

ORDER

Heard both sides.

2.The petitioner wants this Court to restrain the respondents from taking coercive steps in respect of S.No.25/1A, Sindhalavadampatty Village, Oddanchatram Taluk.



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3.The fifth respondent is staking claim thereon based on the settlement deed dated 14.09.2022 executed by one Sivaprakash in favour of the local body. But a week before the said date, the petitioner and others had filed O.S.No.1364 of 2022 on the file of Sub Court, Oddanchatram seeking the relief of declaration and permanent injunction. Sivaprakash figured as the sole defendant in the suit. Sivaprakash had executed the document in favour of the local body during the pendency of the suit. Therefore, the fifth respondent cannot go against the eventual decree dated 22.12.2022 passed by the Sub Court, Oddanchatram in favour of the plaintiffs. So long as the decree dated 22.12.2022 in O.S.No.1364 of 2022 on the file of Sub Court, Oddanchatram is holding good, the respondents will have to keep away from the petition mentioned property. The fifth respondent will have to take appropriate steps in accordance with law to get the said decree set aside. The moment the decree sets aside, the restraint order now issued in this writ petition will cease to operate.

4.The petitioner wants this Court to direct the respondents to follow the procedure set out in the Land Acquisition Act, 1894.



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5.I want to remind the petitioner that the Land Acquisition Act, 1894 was repealed by Central Act No.30 of 2013. If the respondents want to take over the petition mentioned property, they will have to adhere to due process of law.

6.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

06.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Collector,
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- 2.The District Revenue Officer,
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- 3.The Revenue Divisional Officer,
Palani, Dindigul District.



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4.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

5.The President,
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G.R.SWAMINATHAN, J.

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