



WEB COPY



WP No.816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.816 of 2024

and

WMP.No.842 and 843 of 2024

K.Rathinasamy

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Salem District.

2.The Revenue Divisional Officer,
Attur Taluk,
Salem District.

3.The Special Tahsildar,
Adidraavidar Welfare,
Office of the Attur Tahsildar,
Attur Town and Taluk,
Salem District.

4.The Inspector of Police,
Veeraganur Police Station,
Thalaivasal Taluk,
Salem District.

... Respondents



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Prayer: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned notice/communication dated 28.11.2023 in Na.Ka.No.277/2023/A issued by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent to conduct enquiry based on the representation dated 08.12.2023 within such time.

For Petitioner : Mr.A.Rajakumar
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the communication dated 28.11.2023 issued by the 3rd respondent and for a consequential direction to the 3rd respondent to conduct an enquiry and to take a decision based on the representation made by the petitioner on 08.12.2023.

2. Heard Mr.A.Rajakumar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.



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3. The petitioner apprehended that his property is sought to be acquired without following the due process of law. Therefore, the petitioner made a representation to the authorities to conduct an enquiry and to afford an opportunity to the petitioner before taking any decision. Since the same was not acted upon, the petitioner filed WP No.30061 of 2023 before this Court. This writ petition was disposed of by an order dated 17.10.2023 in the following manner :-

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 Adidravidar 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



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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.

4. Pursuant to the above order, the petitioner has now challenged the impugned communication dated 28.11.2023 issued by the 3rd respondent to the 4th respondent.

5. In the considered view of this Court, the communication that has been put to challenge is an internal communication between the respondents 3 and 4. What the petitioner was not able to achieve in the earlier writ petition is sought to be achieved in the present writ petition. This Court does not find any merits in this writ petition. This Court had already made it clear in the earlier order that the petitioner has to necessarily approach the concerned Court and work out his remedy. Hence, it can only



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be reiterated that the petitioner has to work out his remedy elsewhere and not by way of filing yet another writ petition.

6. In the result, this writ petition is dismissed. No costs.

19.01.2024

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

- 1.The District Collector,
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Attur Taluk,
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4.The Inspector of Police,
Veeraganur Police Station,
Thalaivasal Taluk,
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5.The Public Prosecutor,
Madras High Court,
Chennai.

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