



WEB COPY



W.P.No.3573 of 2019

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3573 of 2019

Ramadass

.. Petitioner

Vs

1.The District Collector,
Ariyalur District.

2.The Block Development Officer,
Panchayat Union,
T.Palur,
Ariyalur District.

3.The Inspector of Police,
T.Palur Police Station,
Ariyalur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to forbear the respondents 2 and 3 from dispossessing the petitioner from the properties comprised in S.No.232, measuring about 27 ½ cents, 66 cents and 29 cents and S.No.227, measuring about 1.00 acre of agricultural land situated at Kodali Village, Udaiyarpalayam Taluk, Ariyalur District.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.V.Manoharan, AGP



W.P.No.3573 of 2019

WEB COPY

ORDER

The writ petition has been filed seeking to forbear the respondents 2 and 3 from dispossessing the petitioner from the properties comprised in S.No.232, measuring about 27 ½ cents, 66 cents and 29 cents and S.No.227, measuring about 1.00 acre of agricultural land situated at Kodali Village, Udaiyarpalayam Taluk, Ariyalur District.

2. The petitioner and his predecessors are in peaceful possession and enjoyment of the subject property and they have been cultivating in the subject property for the past several years.

3. On a perusal of the counter affidavit filed by the second respondent, it is revealed that Survey Nos.232 and 227, situated at Kodali Village, Udaiyarpalayam Taluk, Ariyalur District, are classified as Kulam Poramboke and water course area. However, the petitioner and his predecessors are in possession and enjoyment of the subject property. The petitioner also made a request for issuance of patta for the above said land.



W.P.No.3573 of 2019

4. Further, the petitioner also filed a civil suit for bare injunction in O.S.No.238 of 2010 on the file of the District Munsif Court, Jayankondam and obtained an order of injunction, in which, the respondents were set exparte. Thereafter, the respondents filed a petition to set aside the exparte injunction order in I.A.No.684 of 2013 along with condone delay application, but, the said application was dismissed on 03.10.2013. In view of the same, the respondents cannot now disturb the petitioner's peaceful possession and enjoyment of the subject property.

5. Accordingly, the respondents are directed not to disturb the petitioner's peaceful possession and enjoyment of the subject property without following due process of law. In fine, the writ petition is allowed. No Costs.

09.09.2024

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G.K.ILANTHIRAIYAN, J.

rkm

To

- 1.The District Collector,
Ariyalur District.
- 2.The Block Development Officer,
Panchayat Union,
T.Palur,
Ariyalur District.
- 3.The Inspector of Police,
T.Palur Police Station,
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