



WEB COPY



W.P.No.9016 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9016 of 2024
W.M.P.No.10036 of 2024

1. K.Lingan
2. Sankar K
3. Muniyammal
4. Jeeva Chakkarappan
5. Babu
6. Vengada Varadharajan

...Petitioners

-Vs-

1. The Zonal Joint Registrar,
District Collector Office,
Sathuvaacharri,
Vellore Taluk and District.
2. The Deputy Registrar of
Co-operative Societies,
Office of the Deputy Registrar,
Sankaranpalayam,
Vellore Taluk,
Vellore District.
3. The Secretary,
C2, 2557, Primary Agricultural
Cooperative Credit Society Ltd.,
Periyapallampakkam Village,
Vellore Taluk and District.

... Respondents



W.P.No.9016 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from in any way interfering with the peaceful possession and enjoyment of the petitioner's property bearing Old Survey No.292/A, New Survey No.131/7 measuring an extend of 0.47 cents situated at Vepampattu Village, Vellore District.

For Petitioner : Mr.K.M.Balaji

For Respondents

For R1 & R2 : Mr.M.Rajedran
Additional Government Pleader

For R3 : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition has been filed forbearing the respondents from in any way interfering with the peaceful possession and enjoyment of the petitioner's property bearing Old Survey No.292/A, New Survey No.131/7 measuring an extend of 0.47 cents situated at Vepampattu Village, Vellore District.

2. The petitioners' father was allotted a land comprised in old survey No.292/A, new survey No.131/7 ad measuring 0.57 cents out of total extent of 1.08 acres by way of partition. After partition, the petitioners' father had sold out 0.10 cent in favour of the third respondent



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society in order to dig a well and set up motor pump set. Now the third respondent society has attempted to develop the said property that too by encroaching a portion of the remaining extent of 0.47 cents which is derived by the petitioners, who are the legal heirs of their deceased father. Hence, the petitioners filed the present writ petition with the above prayer.

3. Heard the learned counsel appearing for either side and perused the material placed before this Court.

4. The learned Government Advocate appearing for the third respondent submitted that there is absolutely no encroachment and the third respondent is developing the property which was purchased from the petitioners' father alone to an extent of 0.10 cents.

5. In view of the above, the respondents are restrained from interfering with the peaceful possession and enjoyment of the petitioner's property bearing Old Survey No.292/A, New Survey No.131/7 measuring an extend of 0.47 cents situated at Vepampattu Village, Vellore District, except due process of law.



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WEB COPY 6. Accordingly, the Writ Petition stands disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

25.10.2024
($\frac{1}{2}$)

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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