



WEB COPY

W.P.No.16393 of 2024
and W.M.P.No.17952 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16393 of 2024
and W.M.P.No.17952 of 2024

C.Nallaiyan

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Petitioner

versus

1.The District Collector,
Salem, Salem District.

2.The Deputy Director of Zoology & Mining,
2nd Floor, Collectorate,
Salem - 636 001.

3.The Sub Collector cum
Revenue Divisional Officer,
Mettur, Mettur Dam-1,
Salem District.

4.The Tahsildar,
Omalur Taluk,
Salem District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents not to evict the petitioner from the land in Survey Nos.16/3 and 16/4 an extent of 1.13.50 Hecs. at Vellalapatti Village, Omalur Taluk, Salem District, without following the due process of law.



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For Petitioner : Mr.M.Elango

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the respondents not to evict the petitioner from the land in Survey Nos.16/3 and 16/4 measuring an extent of 1.13.50 Hecs. Situated at Vellalapatti Village, Omalur Taluk, Salem District, without following the due process of law.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

4. The case of the petitioner is that he has been granted a patta. However, all of a sudden sought to be evicted without following any procedure. Hence, he seeks a direction.



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5. The learned Special Government Pleader for the respondents submitted that, as per the A-Register it is shown as Tharisu and the said land is required for mining purposes. Therefore, they will follow the due procedure and thereafter, evict the petitioner. The said statement is recorded.

6. The respondents, before evicting the petitioner, shall follow strict compliance of due process of law. It is also made clear that without following any due process of law, the petitioner cannot be evicted as a matter of right.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

- 1.The District Collector,
Salem, Salem District.
- 2.The Deputy Director of Zoology & Mining,
2nd Floor, Collectorate,
Salem - 636 001.
- 3.The Sub Collector cum
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