



WEB COPY



W.P.No.22829 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.22829 of 2024 and

WMP No.24872 of 2024

G.Parvathi

... Petitioner

Vs.

1. The District Collector,
Collectorate, Coimbatore District.
2. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore District.
3. The Assistant Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore District.
4. The Assistant Commissioner, West Zone,
Coimbatore City Municipal Corporation,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 to 4 , their men, agents from interfering with the peaceful possession of the petitioner's patta land bearing Old Survey No.114/1, TSLR survey ield No.8, measuring 3



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Acres in Kovundampalayam Village, Coimbatore Taluk, Coimbatore, within the Registration District of Coimbatore and Sub-Registration office of Vadavalli in an arbitrary manner except under the provisions of the Land Acquisition Act, after giving due opportunity to the petitioner.

For Petitioner : Mr. R.Krishnamurthy

For Respondents : Mr. T.K.Saravanan, Government Advocate
for first respondent
Mr.K.M.D.Muhilan, Standing Counsel
for respondents 2 to 4.

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner to forbear the respondents 1 to 4 , their men, agents from interfering with the peaceful possession of the petitioner's patta land bearing Old Survey No.114/1, TSLR survey field No.8, measuring 3 Acres in Kovundampalayam Village, Coimbatore Taluk, Coimbatore, within the Registration District of Coimbatore and Sub-Registration office of Vadavalli in an arbitrary manner except under the provisions of the Land Acquisition Act, after giving due opportunity to the petitioner.

2. According to the petitioner, she is the owner of 6 cents of land in



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Survey No.114/1, Kovundampalayam Village, Coimbatore Taluk,

Coimbatore District and also she is in possession and enjoyment of 3 acres of land in S.No.114/1, TSLR survey field No.8, Kovundampalayam Village.

It is contended by the petitioner that, in the said land, he built up a temple in the year 1989 and is performing regular pooja for more than 34 years. In such circumstances, the respondents disturbed the peaceful possession and enjoyment of the petitioner's property and took action to demolish the temple. The petitioner contended that already, with regard to the action of dispossession made by the respondent in the said property, she approached this Court and as per the direction of this Court in W.P.No.17893/2023, dated 05.07.2023, she filed a suit in O.S.No.618/2023 before the District Munsif, Coimbatore and the respondents also entered appearance and the case is still pending. However, the respondents have taken steps to dispossess the petitioner and hence the petitioner approached this Court.

3. Today, the learned counsel for the petitioner filed affidavit, stating that on 31.07.2024 at about 6.00 a.m. the RDO, Tasildar, Deputy Superintendent of Police, Inspector of Police came to the temple premises



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and forcibly taken possession and thrown out all the household articles of the petitioner and her family members on the street and handed over the keys to third parties. He further submitted that, when the dispute with regard to the property in question is still pending before the civil court, the action of the respondents in dispossessing the petitioner is illegal and high handed and hence, he seeks direction to the respondents to hand over the keys to the petitioner and allow her to conduct poojas at Mahishasura Mardini Temple, Kovundanpalayam, Coimbatore.

4. The learned Standing Counsel appearing for the Corporation submitted that, on 29.07.2024, notice was issued to the petitioner stating that the land in S.No.114/1A Pt. Ward E(49), Block No.84, Town Survey No.8, which is earmarked as " Park", has been encroached by the petitioner and despite sufficient opportunity was given to remove the encroachment, she did not do so. It is further stated in the notice that, in order to bring the land (Park) for the usage of public, the encroachment will be removed on 31.07.2024, and the petitioner was directed to remove all the things, if any, kept in the encroached building. The learned Standing Counsel further



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submitted that, after giving opportunity and also due notice to the petitioner, encroachment was removed and hence, there is no illegal act on the side of the respondents. As such he seeks for dismissal of the writ petition.

5. Considering the facts and circumstances of the case and also taking into account the submission made by the learned Standing Counsel appearing for the Corporation, we are of the view that there is no merit in the writ petition, as the writ petitioner made encroachment in the public property earmarked as "Park" and the same has been removed by the Corporation, after giving notice to her. As such, the writ petition is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., A.CJ.) (P.B.B.J.)

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