



WEB COPY



W.A.No.3135 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.3135 of 2021
and
CMP.No.21694 of 2021

1. Subramanian
2. Raghupatti
3. Vaithy Gounder
4. V.Ariya Gounder
5. Muthupayan
6. M.Periyasamy

... Appellants

Vs.

1. Rajamani
2. S.Sidesh Kumar
3. S.Rajeshkumar
4. The District Collector,
Salem District,
Salem - 636 001.
5. Revenue Divisional Officer,



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Metur, Salem District,
Salem - 636 001.

6. Thasildar,
Taluk Office, Omalur,
Salem - 636 455.
7. The Revenue Inspector,
Taluk Office, Omalur,
Salem - 636 455.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 08.11.2021 passed in W.P.No.12696 of 2019.

For Appellant : Mrs.V.Srimathi

For R1 to R3 : Mr.N.Murali

For R4 to R7 : Mr.A.Selvendran
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ order dated 08.11.2021 passed in W.P.No.12696 of 2019 is under challenge in the present writ proceedings.



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2. The writ petition was instituted seeking implementation of the directions issued by the Revenue Divisional Officer, Mettur, Salem District to evict the appellants herein. The writ court while confirming the order passed by the Revenue Divisional Officer granted liberty to the appellants to challenge the eviction proceedings in the manner known to law. The said order is taken by way of present writ appeal.

3. Mr.A.Selvendran, the learned Special Government Pleader would submit that the property stands in the name of the Trust. Considering the irregularities in dealing with the Trust properties, the Revenue Divisional Officer conducted adjudication/enquiry and passed the order of eviction. The said order came to be challenge in the writ petition and the writ court granted liberty to the appellants to workout their remedy in the manner known to law. Thus, the writ appeal is to be rejected.

4. Rights of the cultivating tenants need not be adjudicated in a writ proceedings, since alternate remedy is available to the aggrieved persons. The writ court also granted liberty to workout their remedy. It is for the Authorities to ensure that the orders passed are implemented, so as to protect the public properties.



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5. In view of the facts and circumstances, we are not inclined to interfere with the order impugned and the same stands confirmed.

Consequently, the Writ Appeal stands **dismissed**. No costs. Connected miscellaneous petition is closed.

[S.M.S., J.] [C.K., J.]
10.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

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Judgment in
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