



WEB COPY



W.P.No.30595 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

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

W.P.No.30595 of 2024

M.Chinnappan

... Petitioner

-Vs-

1. The District Collector,
District Collector Office,
Perambalur District.

2. Block Development Officer,
Alathur Union,
Alathur Taluk,
Perambalur District.

3. The Village President,
Ramalingapuram Panchayat,
Ramalingapuram Village,
Alathur Taluk,
Perambalur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, direction or order forbearing the respondent from in any manner of attempt to dispossess the petitioner from the premises situated at “Natham” S.No.547/1 of an extent of 1680 Sq.ft. from out of 720 Sq.meter and of an in Ramalingapuram Village Alathur Taluk, Perambalur District by illegal manner except by due process of law and to pass appropriate orders within a time frame fixed.



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For Petitioner : Mr.G.Ilamurugu
For R1 : Mr.C.Kathiravan
Special Government Pleader
For R2 & R3 : Mr.P.Harish
Government Advocate

ORDER

This Writ Petition has been filed to issue a direction forbearing the respondents from in any manner interfering with the peaceful possession and enjoyment of the petitioner's property comprised in Survey No.547/1 measuring an extent of 1680 sq.ft. which is classified as Natham situated at Ramalingapuram Village, Alathur Taluk, Perambalur District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is in possession and enjoyment of the property comprised in Survey No.547/5 measuring an extent of 62 sq.mts, in which he constructed a house. He is also in possession of a vacant land admeasuring 62 sq.mts comprised in Survey No.547/50. That apart, the petitioner is also in possession of a vacant land comprised



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in Survey No.547/1 measuring an extent of 1680 sq.ft. out of a total of 720 sq.mts. While being so, the respondent identified a portion of the land, which is in possession of the petitioner, for construction of a Panchayat Union Office. Therefore, the petitioner filed a suit in O.S.No.120 of 2024 on the file of the District Munsif Court, Perambalur, for injunction and it is pending without passing any interim order. Pending the suit, the petitioner filed this writ petition forbearing the respondents from dispossessing him from the subject property.

4. On instructions, the learned Government Advocate submitted that the respondents identified a land comprised in Survey No.547/1 and have no proposal to construct any building in Survey No.547/5. In order to encroach the Government land in Survey No.547/1, the petitioner filed this writ petition.

5. In view of the above, this writ petition lacks merit and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

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Internet : Yes

Index : Yes/No



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Speaking order/Non-speaking order

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To

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G.K.ILANTHIRAIYAN, J.

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