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W.P.No.32388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.32388 of 2024

and

WMP.No.35165 of 2024

S.Nagarathinam

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Dharapuram Revenue Division,
Tiruppur District.
2. The Tahsildar,
Dharapuram Taluk, Dharapuram,
Tiruppur District.
3. The Divisional Engineer,
State Highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.
4. The Assistant Divisional Engineer,
State highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents follow the due process of law before taking the possession of petitioner's property viz., house, ground and premises bearing Door No.31/37, Kovai Main Road, Kundadam



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638 702, Dharapuram Taluk, Tiruppur District, comprised in Re-Survey No. 1071/17 (Patta land), measuring about 3 cents of land and Natham Re-Survey No.1071/18 (Old Survey No.394A2 and 626/2), measuring about 3.3/4 cents of land, with the total measurement of 2943sq.ft. situate at Kundadam Village.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.S.J.Sathik Mohamed
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents follow the due process of law before taking the possession of petitioner's property situated in Door No.31/37, Kovai Main Road, Kundadam, Dharapuram Taluk, Tiruppur District, comprised in Re-Survey No. 1071/17 (Patta land), measuring about 3 cents of land and Natham Re-Survey No.1071/18 (Old Survey No.394A2 and 626/2), measuring about 3.3/4 cents of land, with the total measurement of 2943sq.ft. situate at Kundadam Village.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.



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3. It is the case of the petitioner that she has been in possession and enjoyment of the above mentioned property by constructing a residential house. The subject property was settled in favour of the petitioner's husband namely Selladurai and his siblings under registered settlement deed dated 13.02.1976. In the year 2016 it came to knowledge of the petitioner's husband that in the revenue records the names of third parties were entered. Hence, the petitioner's husband submitted a representation before the second respondent seeking inclusion of his name and the same was rejected. In the meantime, the respondents 3 and 4 attempted to demolish the super structure in the subject property on the ground that the subject land was required for extension of road project. Therefore, the petitioner submitted a representation dated 30.01.2024 seeking issuance of patta in her name and the same was rejected by the second respondent in his proceedings Na.Ka.4935/2023/A2 dated 30.08.2024. Aggrieved by the same, the petitioner filed an appeal before the first respondent and the same is pending. It is further stated by the petitioner that the respondents 3 and 4 are attempting to interfere with the possession of the petitioner, without following procedure established by law.



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4. Mr.S.J.Sathik Mohamed, learned Government Advocate, who takes notice for the respondents would submit that the appeal filed by the petitioner before the first respondent will be disposed of in accordance with law. It is also stated by the learned Government Advocate that the possession of the petitioner will not be disturbed, except by due process of law.

5. In view of the above submission made by the learned Government Advocate, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to dispose of the appeal filed by the petitioner dated 30.09.2024 and pass final orders, after issuing notice to the petitioner and other interested parties, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that the respondents 3 and 4 are not entitled to take law into their own hands disturbing the petitioner's possession except by due process of law. If the land in question is required for public welfare project, it is for the respondents to initiate steps following the procedure established by law.



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No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Revenue Divisional Officer,
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Tiruppur District.
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3. The Divisional Engineer,
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S. SOUNTHAR, J.

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