



WEB COPY



W.P.No.31698 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.31698 of 2024
and W.M.P.No.34443 of 2024

Sugavaneswaran

... Petitioner

VS.

1.The District Collector
Salem, Salem District

2.The Sub Collector
Mettur Taluk, Salem District

3.The Tahsildar
Omalur Taluk, Salem District

4.The Village Administrative Officer
Amarakunthi Village,
Omalur Taluk, Salem District

5.The Block Development Officer
O/o. Block Development Office
Tharamangalam, Omalur Taluk, Salem District.

6.The President
Panchayat Office, Amarakunthi Village,
Omalur Taluk, Salem District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to evict the petitioner from the land in survey No. 229/4, 229/5 at Amarankunthi



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Village, Omalur Taluk, Salem District without following the due process of law.

For Petitioner : Mr.M.Elango
For R1 to R4 : Mr.P.Sathish
Additional Government Pleader
For R5 and R6 : Mrs.K.Vasanthamala
Government Advocate

ORDER

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.

2. The petitioner herein seeks a direction to the respondents not to evict him from the property situated in Survey Nos.229/4 and 229/5 in Amarankunthi Village, Omalur Taluk, Salem District, without following due process of law.

3. It is the case of the petitioner that the above mentioned property has been in possession and enjoyment of petitioner's family for the past 60 years and petitioner has been in possession and enjoyment of the same by putting up a building. When the respondents 1 to 3 and other private parties



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attempted to interfere with the petitioner's possession, he filed a suit in O.S.No.122 of 2024 on the file of the District Munsif Court, Omalur and the said suit is posted for filing written statement by the defendants therein.

4. It is further stated by the petitioner that even during pendency of the suit, the respondents are making attempt to evict the petitioner from the subject property without following due process of law. Therefore, he has come before this Court with the prayer mentioned above.

5. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 to 4 and Mrs.K.Vasanthamalai, learned Government Advocate takes notice for the respondents 5 and 6.

6. The learned Additional Government Pleader appearing for the respondents 1 to 4, on written instructions from the Tahsildar, Omalur in his Proceedings in Na.Ka.No.1422/2024/A1, dated 23.10.2024, submits that petitioner made encroachment in Survey Nos.229/4 and 229/5. It is further stated by the learned Additional Government Pleader that petitioner's house situated in Survey No.229/3 and he made an encroachment in Survey



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Nos.229/4 and 229/5. It is further stated by the learned Additional Government Pleader that Survey No.229/4 is classified as 'Sarkar Poramboke Lane' in the revenue records and Survey No.229/5 is classified as 'Sarkar Poramboke Vacant Site'. It is further stated by the learned Additional Government Pleader that pursuant to the order passed by this Court in W.P.No.15274 of 2024, dated 14.06.2024, the encroachment made by the petitioner in Survey No.229/4 has already been removed.

7. In view of the definite stand taken by the learned Additional Government Pleader appearing for the respondents 1 to 4 that the petitioner encroached Survey Nos.229/4 and 229/5 which are classified as 'Government Poramboke' in the revenue records and the petitioner's encroachment in respect of Survey No.229/4 is already removed, this Court is not inclined to accede to the prayer of the petitioner in respect of Survey No.229/4. However, it is not in dispute the petitioner is in effective possession in Survey No.229/5 even as per the written instructions of the 3rd respondent. In view of the same, without going into the character of petitioner's possession, this Court directs the respondents not to interfere with the petitioner's possession except by due process of law. It is always



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open to the respondents 1 to 3 to take possession of Government Poramboke

Land by following due process of law, if it is classified so.

8. With this direction, the Writ Petition stands disposed of. No costs.

Consequently, the connected writ miscellaneous petition is closed.

23.10.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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3. The Tahsildar, Omalur Taluk, Salem District.

4. The Village Administrative Officer
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S.SOUNTHAR, J.

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