



W.P.No.7307 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM:

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

W.P.No.7307 of 2019

and W.M.P.Nos.8000 and 33111 of 2019

C.Kumarasamy

... Petitioner

-Vs-

1. The District Collector,
District Collectorate,
Coimbatore District.
2. The Tahsildar,
Taluk office, Annur,
Coimbatore District.
3. The Block Development Officer,
Block Development office,
Kovilpalayam 641107,
Coimbatore District.
4. The Executive Officer,
Vellaanaipatti Panchayath,
Vellanaipatti Post,
Coimbatore District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the Respondents herein from in any manner interfering with the petitioner's peaceful possession and enjoyment of the lands measuring about 15 cents in Survey No.189/2A of Vellanaipatti village, Annur Taluk, Coimbatore District, either by way of laying



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a road, or acquiring the same except by following the due process of law.

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For Petitioner : Mr.R.Bharath Kumar

For R1, R2 and R4 : Mr.S.Rajesh
Government Advocate

For R3 : Mr.V.Prabhu

ORDER

This Writ Petition has been filed forbearing the Respondents herein from in any manner interfering with the petitioner's peaceful possession and enjoyment of the lands measuring about 15 cents in Survey No.189/2A of Vellanaipatti village, Annur Taluk, Coimbatore District, either by way of laying a road, or acquiring the same except by following the due process of law.

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

3. The learned Government Advocate appearing for the respondents 1, 2 and 4 submitted that the subject land will be acquired only by due process of law.

4. The learned counsel for the petitioner submitted that the counter party of the petitioner filed a suit and obtained an exparte order and thereafter, gifted the subject land in favour of the Panchayat. It is now under challenge in



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O.S.No.231 of 2022, on the file of the Additional Subordinate Judge, Coimbatore. Therefore, till the disposal of the suit, the respondent cannot acquire the property.

5. It is a matter to be decided by the Civil Court. Therefore, it has nothing to do from acquiring the subject property by the respondents. However, the respondents can very much acquire the subject property in the manner known to law. Therefore, the respondents are directed to follow due process of law if any acquisition proceeding is initiated against the subject property.

6. With the above directions, this writ petition stands disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.

01.09.2025

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.



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To

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