



WEB COPY



W.P.No.1047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 1047 of 2025

&

W.M.P.No. 1299 of 2025

Nawab Jan

...Petitioner

Vs.

1.The District Collector
Kallakurichi.

2.The Commissioner,
Kallakurichi Municipality,
Kallakurichi.

3.The Tashildar,
Kallakurichi.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents their men, agents and subordinates not to interfere with the petitioner's



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peaceful possession and enjoyment of the property at s.no.182/2
measuring an extent of 1.55 cents, Kattupuridhaka village, Kallakurichi
without following due process of law.

For Petitioner : Ms. R.Poornima

For Respondents : Mr. G.Velu
Additional Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To forbear the respondents their men, agents and subordinates not to interfere with the petitioners peaceful possession and enjoyment of the property at s.no.182/2 measuring an extent of 1.55 cents, Kattupuridhaka village, Kallakurichi without following due process of law.



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2. It is the case of the petitioner that he and his family members are in enjoyment of property comprised in S.No.182/2 measuring an extent of 1.55 cents, which is Thaikal property. The Thaikal property is meant for occupation and enjoyment of mohammedans.

3. The property has been in their enjoyment for over 3 decades and the petitioner is cultivating the said lands. They have also been paying necessary taxes. The petitioner had been approaching the authorities concerned seeking patta in respect of these lands. While so, all of a sudden on 24.09.2024, persons claiming to be the officials of the 2nd respondent Municipality had barged into the aforesaid property and attempted to vacate the petitioner's family forcibly. It was successfully prevented by the petitioner. Therefore, the petitioner is before this Court with the above Writ Petition.

4. Heard the learned counsels on the either side and perused the



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5. It is needless to state that even the persons who have encroached into the Government lands are entitled to notice and opportunity to put forward their case before they are evicted from the premises. The petitioner's family has been in possession of the said property for over 3 decades. Therefore, the petitioner is entitled to notice and hearing before steps are taken to evict him, in the manner known to law from the premises in question.

6. Therefore, the Writ Petition is allowed. There shall be a mandamus to the respondents not to evict the petitioner except after following due process of law. Consequently, the connected miscellaneous petition is closed. No costs.

22.01.2025

Index : Yes/No
Internet : Yes/No
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To

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