



WEB COPY



WP.No.192 of 2025

In the High Court of Judicature at Madras

Dated : 20.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.192 of 2025 &
WMP.No.205 of 2025

S.A.Dasthageer

...Petitioner

Vs

1.The District Collector,
Vellore District, Vellore.

2.The Revenue Divisional
Officer, Gudiyatham Division,
Vellore District.

3.The Tahsildar, Gudiyatham
Taluk, Vellore District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents not to evict the petitioner from plot No.91, Kayade Millath Nagar, Thattaparai Post, Gudiyatham Taluk, Vellore District in survey No.132/2F measuring an extent of 1,089 sq.ft. without following due process of law.

For Petitioner : Mr.R.Govindasamy
For Respondents : Mr.P.Sathish, AGP



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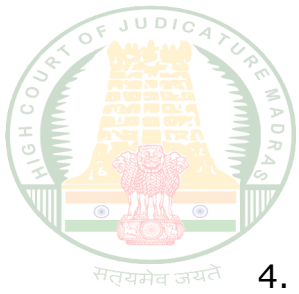
ORDER

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Seeking a direction to the respondents not to evict the petitioner from the property measuring 1,089 sq.ft., in Survey No.132/2F, plot No.91, Kayade Millath Nagar, Thattaparai Post, Gudiyatham Taluk, Vellore District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The case of the petitioner is that he is the absolute owner of the subject property. He acquired it by way of purchase vide sale deed dated 08.4.2009 registered as doc.No.2775 of 2009 on the file of the Sub-Registrar, Gudiyatham from one Mrs.Shakeenas Begam for a valid sale consideration. Ever since the date of purchase, he has been in possession and enjoyment of the subject property and constructed a house there. Originally, the said Mrs.Shakeenas Begam was issued with an assignment patta in respect of the subject property vide proceedings of the third respondent dated 12.6.1998. Further, pursuant to the no objection certificate obtained from the third respondent, the subject property was sold to the petitioner.



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4. But, to his shock and surprise, the third respondent is trying to evict the petitioner from the subject property without following due process of law. The petitioner came to understand that the third respondent issued a patta in favour of some third party in respect of the subject property without proper verification. The petitioner was not put on notice before the patta was issued in favour of the third party. Hence, the petitioner has come forward with this writ petition.

5. The fact that the subject property belongs to the petitioner is set out in the affidavit filed in support of the writ petition. Since the petitioner acquired the subject property by way of purchase, his interest should be safeguarded and he cannot be evicted by the third respondent without any proceedings being initiated for the eviction of the petitioner.

6. Accordingly, the writ petition is allowed and a Mandamus is issued to the respondents not to evict the petitioner from the subject property without following the due process of law. No costs. Consequently, the connected WMP is closed.

20.1.2025

RS



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P.T.ASHA,J

RS

To

- 1.The District Collector,
Vellore District, Vellore.
- 2.The Revenue Divisional
Officer, Gudiyatham Division,
Vellore District.
- 3.The Tahsildar, Gudiyatham
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