



W.P. No.20611 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.06.2026

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CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.20611 of 2021
and
W.M.P. No.21873 of 2021

Senthil Subburaj

..Petitioner(s)

Vs

1. The District Collector
Coimbatore
2. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 001
3. The Thasildhar
Vadavalli Coimbatore District
4. K.Subramaniam
5. K. Marudhachalam

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus forbearing the second Respondent herein from interfering with petitioners possession of the property situate in S.F. No. 244 / 2 , 3 Vadavalli Village, Perur Taluk, Vadavalli sub registration district, Coimbatore Distirct, measuring an extent of 5697 Sq.ft without following due process of law

1/7



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W.P. No.20611 of 2021

For Petitioner : Mr.M.S. Krishnan
Senior Counsel
for M/s.Sarvabhauman Associates

For Respondents : Mr.M.Sivavarthanan
Government Counsel for R1 and R3
Mr.K. Magesh for R2
Mr.K. Suresh for R4 and R5

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus forbearing the respondents from interfering with his peaceful possession and enjoyment of the property situated in S.F.Nos.244/2 and 244/3, Vadavalli Village, Perur Taluk, Vadavalli, Coimbatore District, except by following due process of law.

2. It is stated that the mother of respondents 4 and 5 purchased the property measuring an extent of 5696 sq. ft. situated in S.F. Nos.244/2 and 244/3, Vadavalli Village, Perur Taluk, Vadavalli, Coimbatore District, on 28.03.2005 and on the very same day executed a registered Will bequeathing the property in favour of respondents 4 and 5.

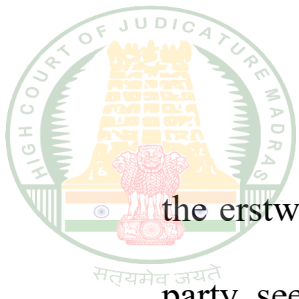


W.P. No.20611 of 2021

3. It is the further case of the petitioner that he entered into a lease agreement with respondents 4 and 5 on 06.03.2019 and the lease was subsequently renewed on 06.03.2021 for a further period of eleven months. Pursuant thereto, the petitioner had put up temporary shops with asbestos-sheet roofing and had also sub-leased certain portions to third parties. While so, the officials of the 2nd respondent Corporation erected a board claiming that the property is a reserved site earmarked for public purpose and attempted to interfere with the petitioner's possession. In such circumstances, this writ petition has been filed.

4. Mr.M.S. Krishnan, learned Senior Counsel appearing for the petitioner submitted that the petitioner is a lawful tenant under respondents 4 and 5 and has been in possession of the property pursuant to a valid lease arrangement. However, he was prevented by the 2nd respondent, who put up a board in front of the petitioner tenancy premises. Hence, he prayed for issuance of appropriate directions to the respondents in the above regard.

5. During the course of hearing, the learned counsel appearing for respondents 4 and 5 submitted that the landlords of the petitioner, namely respondents 4 and 5, had already instituted suit in O.S.No.918 of 2008 against



W.P. No.20611 of 2021

the erstwhile vendor, wherein the 2nd respondent Corporation was arrayed as a party, seeking permanent injunction. He further submitted that the said suit was decreed in favour of respondents 4 and 5 on 06.03.2024. In view of the subsequent developments, this Court may issue suitable directions. He further submitted that if the 2nd respondent intends to remove the alleged encroachment or take possession of the property, the same can be done only by following the procedure established by law and in accordance with the decree passed by the competent Civil Court.

6. Per contra, the learned counsel appearing for the 2nd respondent Corporation relied upon the detailed counter affidavit filed on behalf of the Corporation. He further submitted that the subject property forms part of the OSR land earmarked for public purpose in an approved layout. According to 2nd respondent, the petitioner as well as respondents 4 and 5 have encroached upon the said land and put up temporary structures. The 2nd respondent Corporation, being the custodian of the OSR land, is entitled to resume possession of the same for public use. He further submitted that due process of law would be followed by the 2nd respondent Corporation in the event of any action being initiated for removal of encroachment or resumption of possession. In the light of the above, he prayed for issuance of suitable directions from this Court.



W.P. No.20611 of 2021

WEB COPY

7. This Court has considered the rival submissions made by learned counsel on either side and perused the materials available on record.

8. It is not in dispute that respondents 4 and 5, under whom the petitioner claims tenancy rights, have obtained a decree in O.S.No.918 of 2008 as against the concerned parties, including the 2nd respondent Corporation. On the other hand, the Corporation disputes the title and possession claimed by the petitioner and respondents 4 and 5 and contends that the land in question is OSR land vested with the 2nd respondent / Corporation. As there are disputed questions relating to title, possession, this Court is not inclined to issue any positive directions to the petitioner by exercising powers under Article 226 of the Constitution of India. At the same time, it is well settled that no person can be dispossessed except by authority of law and by following the procedure prescribed therefor.

9. For the aforesaid reasons, the writ petition is disposed of by granting liberty to the 2nd respondent Corporation to proceed in respect of the subject property strictly in accordance with law and subject to the decree and judgment passed by the competent Civil Court in O.S.No.918 of 2008. If the 2nd respondent proposes to remove any alleged encroachment or resume possession of the land, the same shall be done only by following the procedure prescribed



W.P. No.20611 of 2021

under law. Equally, it is open to the petitioner and respondents 4 and 5 to work

out their rights before the appropriate forum in the manner known to law. No

costs. Consequently, connected miscellaneous petition is closed.

03.06.2026

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

vsi2

To :

1. The District Collector
Coimbatore

2. The Commissioner
Coimbatore City Municipal Corporation Coimbatore 641 001

3. The Thasildhar
Vadavalli Coimbatore District



WEB COPY



W.P. No.20611 of 2021

M. DHANDAPANI, J.

vsi2

W.P. No.20611 of 2021
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