

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2017

Coram

The Hon'ble Mr. Justice S.M.SUBRAMANIAM

W.P.No. 7778 of 2004

and

W.P.M.P.No.9241 of 2004

1. Pitchaiyan
2. Vijayalakshmi
3. Ponni
4. Kamatchi
5. Anjalai
6. Suseela
7. Chinnathai
8. T.C. Venkataraman

....Petitioners

Versus

1. The Collector,
Cuddalore District
Cuddalore
2. The Commissioner,
Chidambaram Municipality
Chidambaram.
3. The Tahsildar,
Chidambaram.
4. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioners from Town Survey No.1068, in Municipal Ward No.27, Block No.12, Chidambaram Town, except under due process of law.

For Petitioners	:	M/s. Rathina Asohan
For Respondents	:	
1, 3 and 4	:	Mr. A. Zakkir Hussain
	:	Govt. Advocate
For Respondent-2	:	Mr. K.R. Tamizhmani

O R D E R

This Writ Petition is filed by the petitioners seeking for issuance of a Writ, in the nature of Mandamus, forbearing the respondents from evicting them from Town Survey No.1068, in Municipal Ward No.27, Block No.12, Chidambaram Town, except under due process of law.

2. The petitioners claim that they are in occupation of the Punjai Tharisu Land, (as described above) which is a Government Poramboke Land, for more than 30 years. Whiles, an attempt was made by the respondents to evict them from the said land, and hence, they have filed this Writ Petition seeking for the aforesaid prayer.

3. The case of the petitioner is that, they are in possession and enjoyment of the subject property for more than three decades, and they assert that they have right over the same due to adverse possession. Further, it is submitted that, seeking for issuance of patta, the petitioners have also made a representation to the District Revenue Officer, dated 29.04.1994, with a copy marked to ii) District Collector, ii) the Commissioner, Chidambaram Municipality, Chidambaram, iii) former Chief Minister, Chennai, since the same did not evoke any response, and in the interregnum period, the fourth respondent, at the instance of the second respondent attempted to evict them from the property, that necessitated them to file this Writ Petition.

4. Heard M/s. Rathina Asohan, the learned counsel appearing for the petitioner, Mr. A. Zakkir Hussain, learned Government Advocate for the respondents 1, 3 and 4, and Mr. K.R. Tamizhmani, the learned counsel for the second respondent, and perused the materials available on record.

5. It is a settled legal principle that, a person in occupation of the poramboke land, has no right/title/interest over the same, and the Authorities competent are entitled to evict them by following due process of law. Admittedly, in the case on hand, the Competent Authority has issued notice for eviction under the provisions of the Tamil Nadu Encroachment Act, to the petitioners for their unauthorised occupation. Therefore, the petitioners cannot claim that they have right over the poramboke land due to adverse possession, for, mere long possession will not confer any right over the government poramboke land. If the petitioners claim that they have ownership/title over the property, appropriate Forum available is to approach the Civil Court, and the Writ Petition is not

maintainable. Therefore, the relief sought for by the petitioners cannot be granted. Accordingly, the Writ Petition fails and it is dismissed. It is needless to state that it is always open to the petitioners to work out their remedy under law. No costs. Consequently connected Miscellaneous Petition closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Collector,
Cuddalore District
Cuddalore
2. The Commissioner,
Chidambaram Municipality
Chidambaram.
3. The Tahsildar,
Chidambaram.
4. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.

+1cc to Mr.D.Srinivasaragavan, Advocate Sr. 19566
+1cc to the Government Pleader, Sr. 19546

AR(J)
VR(29/8/2017)

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