

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.Nos.33946 to 33949 of 2015
and
M.P.Nos.1 and 2 of 2015 (4 Nos. each)

Palani Ammal ...Petitioner in WP.33946/15
Madheswaran ...Petitioner in WP.33947/15
Ayyan Durai ...Petitioner in WP.33948/15
Elumalai ...Petitioner in WP.33949/15

Vs.

1. The Assistant Engineer
(Construction and Maintenance),
Highways Department,
Gandhi Nagar, Hasthampatti,
Salem.
2. The District Collector,
Salem.
3. The Tahsildar,
Taluk Office, Salem.
4. Executive Engineer,
Tamil Nadu Electricity Board,
Subramania Nagar,
Sooramangalam, Salem - 5.

.... Respondents in
all the W.Ps

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the respondent from dispossessing the petitioners from their property at Door No.8(1G), 7(1F), 1/7 and 7, Near Railway Station, Sooramangalam, Salem - 5 and comprised in S.No.56/3 measuring an extent of 0.34 hectare along with 10HP motor with building thereon as located in Sooramangalam Village, Salem Taluk, Salem District, without granting an alternative site in equivalent thereto by processing and disposing the application of the petitioners dated 21.09.2015 in terms of the order passed in W.P.No.25213 of 2014 dated 26.08.2015.

For Petitioner : Mr.M.Arun in all the W.Ps

For Respondents : Mr.N.Sakthivel,
Government Advocate for R1 to R3
Mr.S.K.Rameshwar,
Standing Counsel for R4

COMMON ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of learned counsel for the parties, the writ petitions are taken up for final disposal.

2.These writ petitions have been filed to forbear the respondents from dispossessing the petitioners from their property at Door No.8(1G), 7(1F), 1/7 and 7, Near Railway Station, Sooramangalam, Salem - 5 and comprised in S.No.56/3 measuring an extent of 0.34 hectare, without granting an alternative site in equivalent thereto by processing and disposing the application of the petitioners dated 21.09.2015 in terms of the order passed in W.P.No.25213 of 2014 dated 26.08.2015.

3.The petitioners along with another approached this Court in W.P.No.25213 of 2014 and the writ petition was disposed of as under:

"17.We are informed that some of the encroachers have given representation for alternative allotment and the same is evident from the counter affidavit filed by the Highways Department. The petitioners are

also given liberty to submit a comprehensive representation to the District Collector, Salem, to provide them alternative accommodation for their residence. In case any such representation is given, the same shall be considered and disposed of by the second respondent taking into account the continuous occupation of the land by the petitioner. In short, every effort should be taken by the District Collector, Salem, to dispose of the matter as expeditiously as possible and in any case within a period of two months from the date of receipt of representation."

4. In fact, the petitioners are proceeding in compliance with the order passed earlier. While their claim is under process, the instant writ petitions are filed for the identical relief, which was already considered and aforesaid order was also passed. Thus, no further order is necessary in these writ petitions and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Assistant Engineer
(Construction and Maintenance),
Highways Department,
Gandhi Nagar, Hasthampatti,
Salem.

2. The District Collector,
Salem.

3. The Tahsildar,
Taluk Office, Salem.

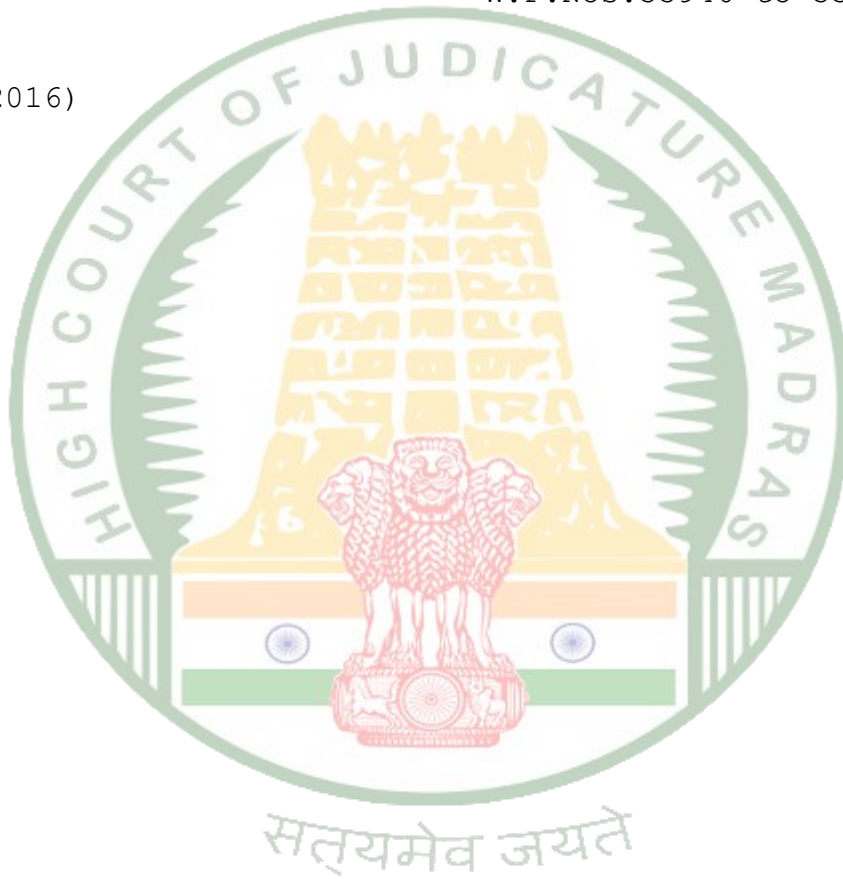
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4. The Executive Engineer,
Tamil Nadu Electricity Board,
Subramania Nagar,
Sooramangalam, Salem - 5.

+1cc to Mr.S.K.Rameshwar, Advocate, S.R.No.68639
+4cc's to Mr.T.K.S.Gandhi, Advocate, S.R.No.68538 to 68541
+1cc to the Government Pleader, S.R.No.68846

W.P.Nos.33946 to 33949 of 2015

RSI (CO)
CA(11/01/2016)



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