

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6134 of 2015

And

M.P.Nos.1 and 2 of 2015

1.P.Veeramuthu
2.S.Srinivasan
3.Mrs.Kamal
4.Masthan iyah
5.P.Manikandan
6.Thysingu
7.R.Chitra
8.S.Dhavabalan
9.M.Siva
10.Veni
11.A.Selvam
12.Mrs.A.Fathima
13.G.Govindaraj
14.S.Mohankumar
15.P.Ayyanar
16.Mrs.Mayelai Mary
17.M.Krishan
18.P.Arumugam
19.L.Ganesh
20.R.Ramesh

... Petitioners

Vs.

Estate Officer Chief Engineer,
I.C.F. Chennai 600 038.

... Respondent

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorari after calling for the records in Form AA-16 in FORM 'A' Form of Notice under sub-section (2) of Section 5-A of the public Premises (Eviction of Unauthorized Occupants) Act 1971 dated 19.01.2015 and quash the same.

For Petitioners
For Respondent

: Mr.S.V.Ramamurthy
: Mr.V.G.Suresh Kumar

O R D E R

Heard Mr.S.V.Ramamurthy, learned counsel appearing for the petitioner and Mr.V.G.Suresh Kumar, learned counsel appearing for the respondent/ railway administration. With the consent of either side the writ petition itself is taken up for final disposal.

2.The petitioner has filed this writ petition praying for issuance of Writ of Certiorari to quash the notice issued by the respondent under sub-section (2) of Section 5-A of the public Premises (Eviction of Unauthorized Occupants) Act 1971 dated 19.01.2015.

3.The said notice has been issued in exercise of the powers under Section 5-A of the public Premises (Eviction of Unauthorized Occupants) Act 1971 which gives power to the Authority to remove the un-authorised construction of permanent nature at the Railway land.

4.Petitioners in the affidavit has raised various grounds justifying their construction. It is seen that the petitioner has submitted a reply to the show cause notice on 24.01.2015 which has been sent by speed post on 28.01.2015. The postal acknowledgements show that the reply has been received by the Estate Officer/ respondent.

5.In such circumstances, the proper course to be adopted for the Estate Officer is to adjudicate the matter after considering the petitioners' representation. Considering the fact that the petitioners are said to have been in occupation of the premises for a long period of time, an opportunity of personal hearing shall be granted to the petitioners by the respondent.

6.In the result, while declining to quash the impugned order and rejecting such a prayer for quashing, liberty is granted to the petitioners to appear before the respondent and raise all contentions and the respondent shall consider the reply given by the petitioners dated 24.01.2015 and the contentions which are put forth at the time of personal hearing and thereafter, pass appropriate orders on merits and in accordance with law.

7.Learned counsel appearing for the petitioners submitted that a date may be fixed by this Court to enable the petitioners to appear before the respondent. Accordingly, the petitioners are directed to appear before the respondent on 30.03.2015 at 11.00 a.m.

8.This writ petition is dismissed with the above observations.
No costs. Consequently, the connected miscellaneous petitions are
closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pri

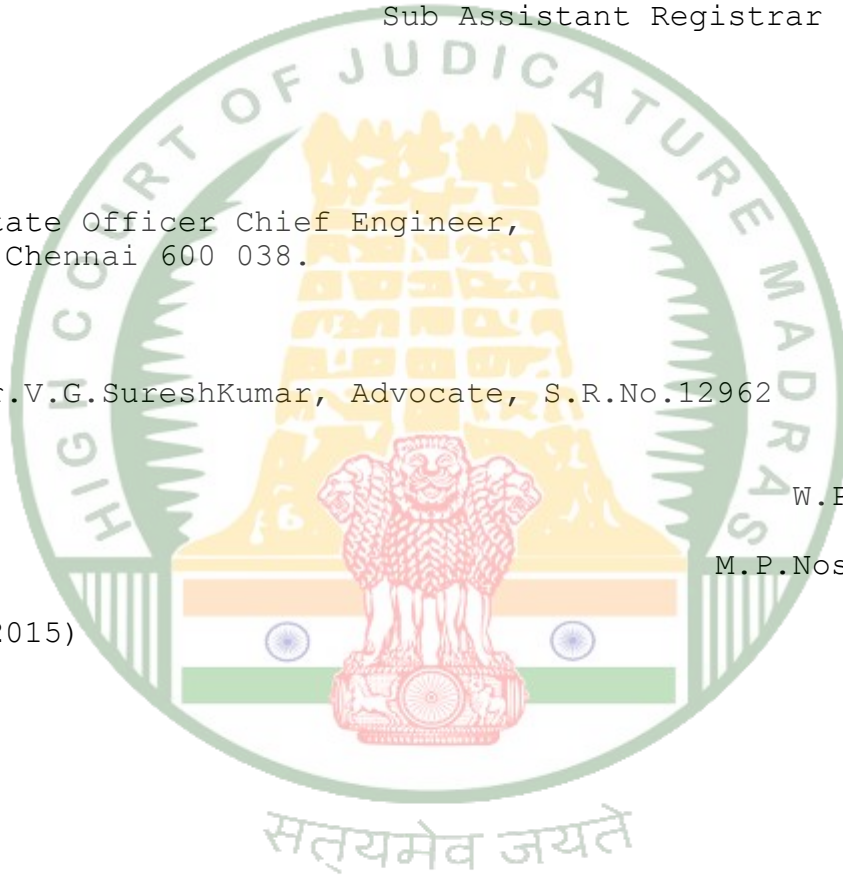
To

1. The Estate Officer Chief Engineer,
I.C.F. Chennai 600 038.

+1cc to Mr.V.G.SureshKumar, Advocate, S.R.No.12962

GJ(CO)
CA(18/03/2015)

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