

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.7373 of 2015
and
M.P.No.1 of 2015

R.Thangarajan ... Petitioner

-vs-

1. The Estate Officer,
Southern Railway,
Chennai Division,
Chennai-600 003.
2. The District Collector,
Thiruvallur,
Thiruvallur District.
3. The Tahsildar,
Thiruvottiyur,
Thiruvallur District. ... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents, their subordinates or any other staff or person claiming through or under them from enforcing the order passed under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 without fair and proper hearing and providing alternate place in accordance with law.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.P.T.Ramkumar for R1

Mr.STS.Moorthy
Govt. Pleader for R2 and R3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner through this Public Interest Litigation, seeks to raise the issue of the proceedings taken out under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 qua himself and the other persons, who are stated to be the encroachers on the railway line. It is the case of the petitioner that the first respondent is threatening immediate demolition of the superstructures without identifying those who are genuine and those who are encroachers.

2. In our view, once the proceedings are initiated under the said Act, the remedy is also under that Act. There is no public interest involved in this petition.

3. The writ petition is dismissed with liberty to avail the legal remedy under the provisions of the said Act. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

1. The Estate Officer,
Southern Railway,
Chennai Division,
Chennai-600 003.
2. The District Collector,
Thiruvallur,
Thiruvallur District.
3. The Tahsildar,
Thiruvottiyur,
Thiruvallur District.

+1cc to Mr.S.Senthil Nathan, Advocate, S.R.No.15492
+1cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.14856
+1cc to the Government Pleader, S.R.No.15055

W.P.No.7373 of 2015

RJ(CO)
CA(27/03/2015)