



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.04.2015

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THE HONOURABLE **MR. JUSTICE .R. MAHADEVAN**

W.P(MD) .Nos.5934 to 5942 and 6019 to 6024 of 2015

and

M.P. (MD) .No.1 of 2015 (in all Wps)

Dhakshinamoorthy	...	Petitioner in W.P. (MD) .No.5934/2015
Rani	...	Petitioner in W.P. (MD) .No.5935/2015
Suban Bai	...	Petitioner in W.P. (MD) .No.5936/2015
Anantharaj	...	Petitioner in W.P. (MD) .No.5937/2015
Sundari	...	Petitioner in W.P. (MD) .No.5938/2015
Logambal	...	Petitioner in W.P. (MD) .No.5939/2015
Sahira	...	Petitioner in W.P. (MD) .No.5940/2015
Mohammed Maideen	...	Petitioner in W.P. (MD) .No.5941/2015
Sethuraman	...	Petitioner in W.P. (MD) .No.5942/2015
Nesamani	...	Petitioner in W.P. (MD) .No.6019/2015
Parthiban	...	Petitioner in W.P. (MD) .No.6020/2015
Alexandar	...	Petitioner in W.P. (MD) .No.6021/2015
Abdulkareem	...	Petitioner in W.P. (MD) .No.6022/2015
Mohammed Ibramsha	...	Petitioner in W.P. (MD) .No.6023/2015
Pitchaiammal	...	Petitioner in W.P. (MD) .No.6024/2015

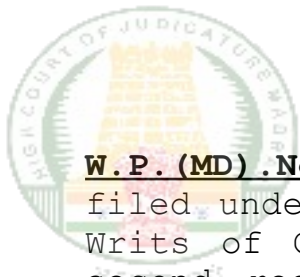
Vs

1.The District Collector,
Trichy District,Trichy.

2.The Thuvakudi Municipality,
Thuvakudi,
rep.by its Commissioner,
Thuvakudi Municipality,
Thuvakudi,
Trichirappalli District.

... Respondents in all WPs

W.P. (MD) .Nos.5934 to 5942 of 2015:- These Writ Petitions have been filed under Article 226 of the Constitution of India praying for Writs of Mandamus to forbear the respondents from evicting the petitioners from their respective houses situated in Barakathnagar Extension in Thuvakudi Vilalge in S.F.No.450 without due process



W.P. (MD) .Nos.6019 to 6024 of 2015:- These Writ Petitions have been filed under Article 226 of the Constitution of India praying for Writs of Certiorarified Mandamus to call for the records of the second respondent in Na.Ka.No.N462/2015/H1 dated 07.04.2015 and quash the same as illegal and forbearing the respondents from evicting the petitioners from their respective houses situated in Barakathnagar Extension in Thuvakudi Vilalge in S.F.No.450 without due process of law.

For all WPs

For petitioners : Mr.S.Muthukrishnan
For Respondents : Mr.M.Rajarajan
Government Advocate

COMMON ORDER

Since the issue involved in all these Writ Petitions are one and the same, they are all taken up together and disposed of, by a common order.

2. In all these Writ Petitions, the learned counsel appearing for the petitioners would submit that the respondents have issued the orders impugned directing the petitioners to evict the premises in question. Further, he also fairly conceded that as against the relief prayed for in all these Writ Petitions, they have also filed civil suits before the concerned Civil Court, out of which, one of them got dismissed and the remaining are pending consideration. Aggrieved over the action of the respondents, now they have come forward with these Writ Petitions.

3. The learned Government Advocate submitted that the area in question is a water body and it has to be protected by all means. As per the earlier direction of this Court as well as the Supreme Court, the respondents have rightly issued notices to the petitioners herein and these petitioners can very well treat the notice issued to them as a show cause notice and furnish their reply to the respondents, who in turn, will consider the same and pass appropriate orders, in the manner known to law.

4. In view of the above, the petitioners are directed to treat the notices issued to them as a 'show cause notice' and file their objections, if any, within a period of two weeks from the date of receipt of a copy of this order. While considering the objections of the petitioners, the respondents are directed to consider the claim of the petitioners in tune with the matters pending before the concerned Civil Court and pass appropriate orders, in accordance with law, within a period of six weeks, thereafter.



5. These Writ Petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Trichy District,
Trichy.

2.The Commissioner,
The Thuvakudi Municipality,
Thuvakudi,
Trichirappalli District.

+15 cc to Mr.S.Muthukrishnan, Advocate Sr.No.70976

ssm

AA/05.06.2015/3p - 18c/

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6019 to 6024 of 2015
20.04.2015