



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.04.2015

CORAM

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

W.P (MD) .No.7185 of 2015

and

M.P. (MD) .No.1 of 2015

Stephanraj

... petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

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

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from evicting the petitioner from his house situated Barakathnagar extension in Thuvakudi Village S.F.No.450 without due process of law.

For petitioner : Mr.S.Muthukrishnan

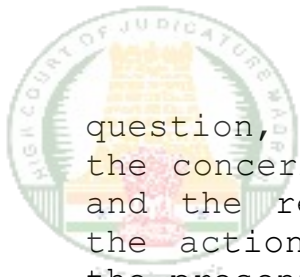
For Respondents : Mr.N.S.Karthikeyan

Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner praying for a Writ of Mandamus forbearing the respondents from evicting the petitioner from his house situated Barakathnagar extension in Thuvakudi Village S.F.No.450 without due process of law.

2. The learned counsel appearing for the petitioner would submit that the second respondent cannot invoke the District Municipality Act,1920 for summary eviction, when the occupant has been in possession for long period and claiming title. Therefore, the order impugned in the Writ Petition is bad in law. Further, the second respondent has conceded that as against the relief prayed for in this Writ Petition in respect of the very same survey number in



question, some of the occupants have also filed civil suits before the concerned civil Court. Out of which, one of them got dismissed and the remaining are pending for consideration. Aggrieved over the action of the respondents, the petitioner come forward with the present Writ Petition.

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3. The learned Government Advocate submitted that since it is a water body which 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 and these petitioners can very well treat this notice as a show-cause notice and furnish his 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 petitioner is directed to treat the notice issued herein as a show-cause notice and file his objections, 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, on merits and in accordance with law, within a period of six weeks thereafter.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,Trichy District, Trichy.

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

+1cc to MR.S.MUTHUKRISHNAN, ADVOCATE IN SR NO. 23253

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RG.25.05.2015 2P.4C.