

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and

THE HON'BLE MR. JUSTICE M. DURAISWAMY

W.P. Nos.1263 to 1268 of 2016 and W.M.P. Nos.998 to 1006 of 2016

A.A.M. Murasoli ...Petitioner in W.P. No.1263 of 2016
P.Sumathi ...Petitioner in W.P. No.1264 of 2016
Dr.N.Viswanathan ...Petitioner in W.P. No.1265 of 2016
R.Mallika ...Petitioner in W.P. No.1266 of 2016
L.Mohana ...Petitioner in W.P. No.1267 of 2016
M.Roubavady ...Petitioner in W.P. No.1268 of 2016

vs.

The Estate Officer
The Executive Engineer
Irrigation Division
Public Works Department
Puducherry

...Respondent in all WPs.

Prayer:

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorari, calling for the records on the file of the respondent relating to the impugned order dated 04.01.2016 of the respondent in Ref Nos:

WP.No.1263/16: 3688/PW/EEI/JE(P)-EO/CC-62/2015-16
WP.No.1264/16: 3690/PW/EEI/JE(P)-EO/CC-62/2015-16/3A
WP.No.1265/16: 3689/PW/EEI/JE(P)-EO/CC-62/2015-16
WP.No.1266/16: 3679/PW/EEI/JE(P)-EO/CC-62/2015-16
WP.No.1267/16: 3681/PW/EEI/JE(P)-EO/CC-62/2015-16
WP.No.1268/16: 3683/PW/EEI/JE(P)-EO/CC-62/2015-16
and quash the same.

For petitioner in:
all the WPs

For respondent in:
all the WPs

Mr. D. Bharatha Chakravarthy

Mr. M. Govindaraj
Govt. Pleader - Puducherry

COMMON ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

With consent, the writ petitions are taken up for final disposal at the admission stage itself.

2 Impugning the notices dated 04 January 2016 issued by the respondent under Section 5-A(2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short "the Act"), whereby and whereunder, the petitioners have been called upon to remove the structure on the public premises mentioned in the Schedules therein on or before 13 January 2016 or to show cause as to why the same should not be removed, the petitioners have come up with the instant writ petitions.

3 The petitioners' case is that they are not in occupation of the Government land and that apart, the survey numbers mentioned in the impugned notices belong to some other persons and they do not belong to them.

4 On a perusal of the documents placed before us, we notice that prior to issuance of the instant notices, the petitioners were served notices under Section 4(1) and 4(2)(b) (ii) of the Act on 17 December 2015, to which, they have submitted their reply.

5 Be that as it may, under the provisions of the Act, any order passed under Section 5 or Section 7 of the Act is appealable under Section 9 of the Act.

6 Thus, at this stage, we are not inclined to interfere with the impugned notices. Even otherwise, the facts involved herein are disputed, which can be examined only by the appellate authority and not by High Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, we dismiss the writ petitions reserving liberty to the petitioners to take recourse to the appellate forum, if so advised, under the provisions of law. For a period of two weeks, status quo as obtained today in respect of the properties in question, shall be maintained by both the parties. Costs made easy. Connected Miscellaneous Petitions are closed.

sd/-
Assistant Registrar(co)

/TRUE COPY/

Sub-Assistant Registrar

cad

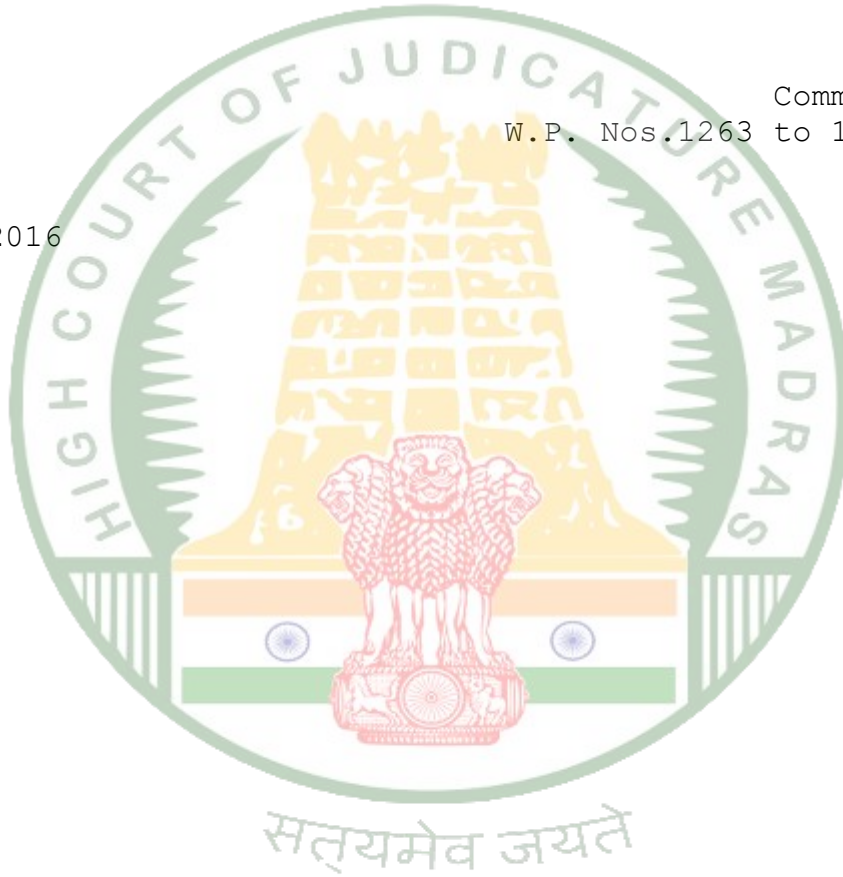
To

The Estate Officer
The Executive Engineer
Irrigation Division
Public Works Department
Puducherry

+6 CC to M/s.Sai Bharath & Ilan Advocate. SR.NO. 2303
+1 CC to Govt.Pleader cum Public Prosecutor. SR.NO. 2194

Common Order in
W.P. Nos.1263 to 1268 of 2016

CO-MG
JD 20/01/2016



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