



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.15336 of 2016

and

W.M.P(MD)No.11301 of 2016

V.Savithiri ... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy.

3.The Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
Srirangam Zone, Trichy. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioner from her house comprised in Survey No.117/6 measuring about 800 sq.feet situated at Thiruvalarsolai, Srirangam Taluk, Trichy District except due process of law.

For Petitioner : Mr.T.Lenin Kumar

For 1st Respondent : Mr.A.K.Baskarapandian,
Special Government Pleader.

For Respondents 2 & 3 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

This writ petition is instituted by a resident of Thiruvalarsolai, Srirangam Taluk, Trichy District seeking a writ of mandamus, forbearing the respondents from evicting the petitioner from her house comprised in S.No.117/6 admeasuring about 800 sq.ft situated at Thiruvalarsolai, Srirangam Taluk, Trichy District, except in accordance with law.

2.The first respondent is the District Collector while the second respondent is the Commissioner of Tiruchirappalli City



Municipal Corporation, Trichy, though the Corporation itself has not been impleaded as party respondent.

3.It is the assertion of the petitioner that the petitioner and her family members were in occupation of this particular property for the past over four decades and that on 29.03.2015, her husband died, leaving behind the petitioner and her two children and that the Assistant Commissioner, Trichy Municipal Corporation appears to have directed the writ petitioner informing that the municipal corporation has proposed to construct a drinking water overhead tank and a veterinary hospital in the land around and hence, the writ petitioner should vacate the house immediately.

4.From the narration of these essential facts, we gather that the writ petitioner and her family members were possibly in occupation of land either belonging to the Government or the local municipal corporation and that they are not the true owners of the land in question. Though there is no material before us to arrive at a conclusion that the writ petitioner and her family members are in occupation of the said land for the past four decades as asserted by the petitioner herein but however, we assume that the respondents being public authorities would not take law into their hands but would strictly follow the legal regime before seeking eviction of an encroacher of Government or Corporation lands. Therefore, we have no hesitation to dismiss this writ petition observing that the respondents would strictly follow the legal regime and evict the petitioner but not otherwise. No costs. Consequently, W.M.P(MD)No.11301 of 2016 is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Trichy District, Trichy.

2.The Commissioner,

Tiruchirappalli City Municipal Corporation,Trichy.

3.The Assistant Commissioner,

Tiruchirappalli City Municipal Corporation,

Srirangam Zone, Trichy.

+1cc to Mr.T.Lenin Kumar, Advocate SR.No.45801

+1cc to special Government Pleader SR.No.46138

sms

sm:PV:SAR III:29/08/2016:2P/6C

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19.08.2016