



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

WEB COPY

W.P(MD)No.1359 of 2011
and M.P(MD)Nos.2 & 3 of 2011

1.R.R.Renganathan
2.R.Kannan
3.R.Venkatesh
4.R.Padmanathan
5.Sivakumar
6.Anusuya
7.Valli
8.Palaniyayee
9.Indira

.. Petitioners

Vs.

1.The District Collector,
Madurai District,
Madurai - 20.

2.The Revenue Divisional Officer,
Madurai North Taluk,
Madurai - 20.

3.The Tahsildar,
Madurai North Taluk,
Madurai - 20.

4.The President,
Varichiyur Village Panchayat,
Varichiyur,
Madurai - 20.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioners from the place measuring 0.15.0 ares to an extent bearing Survey No.38/6, Varichiyur Village, Madurai North Taluk, Madurai District without following due process of law .

For Petitioners

: Mr.S.Kanagarajan

For RR 1 to 3

: Mr.D.Muruganantham

<https://hcservices.ecourts.gov.in/hcservices/>

Additional Government Pleader

For R - 4

: No appearance

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

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This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents not to evict the petitioners from the property mentioned in the petition in the form of a Writ of Mandamus without following due process of law.

2.It is averred in the petition that the petitioners have been enjoying the property mentioned in Survey No.38/6, Varichiyur Village, Madurai North Taluk, Madurai, for several decades and now the respondents are making arrangements to evict the petitioners. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioners has advanced his argument on the basis of the averments made in the petition.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 has contended that since the petitioners are encroachers, proper notice has been issued and therefore, the relief sought in the Writ Petition cannot be granted.

5.Considering the nature of the relief sought in the Writ Petition and also considering the fact that the Government is having prerogative power of evicting encroachers by way of following due process of law, a limited relief can be granted in the present Writ Petition.

6.In fine, this Writ Petition is allowed without costs. The respondents 1 to 3 are restrained to evict the petitioners without following due process of law. However, the respondents 1 to 3 are at liberty to take appropriate eviction proceedings by way of following due process of law. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Madurai District,
Madurai - 20.

2.The Revenue Divisional Officer,
Madurai North Taluk,
Madurai - 20.

3.The Tahsildar,
Madurai North Taluk,
Madurai - 20.

+1cc to Mr.S.Kanagarajan Advocate Sr.No. 80221

+1cc to Spl.Government Pleader Sr.No. 79973

JAM/15.12.16/KM/ 3p-6c

**ORDER MADE IN
W.P(MD)No.1359 of 2011
and M.P(MD)Nos.2 & 3 of 2011
07.12.2016**