

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.10772 and 10773 of 2017

&

WMP NOS.11717 TO 11722 OF 2017

Rajeshwari ... Petitioner
in WP:10772/2017

S.H.Syed Gaffar ... Petitioner
in WP:10773/2017

Vs.

1 The Chief Executive Officer
Wellington Cantonment Board
Ministry of Defence
Government of India
Wellington - 643 232
Ooty.

2 The Estates Officer
Wellington Cantonment Board
Wellington - 643 232
Ooty.

3 The District Collector
Nilgiris District.

4 The Tahsildar
Coonoor Taluk
Nilgiris District. ... Respondents

PRAYER: Petitions under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records in Encroachment/250/Engg., (in W.P.No.10772 of 2017) and Encroachment/249/Engg., (in W.P.No.10773 of 2017) both dated 27.12.2016 on the file of the 1st respondent and quash the same as illegal and without jurisdiction.

For Petitioners : Mr.J.Bharathiraja
Both Wps.

For Respondents : Mr.M.K.Subramanian
Government Pleader
Both Wps.

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

These writ petitions are filed challenging the proceedings of the first respondent dated 27.12.2016 directing the petitioners to remove the unauthorized construction/encroachment put up by them.

2. Mr.M.K.Subramanian, learned Government Pleader accepts notice on behalf of respondents.

3. It is the plea of the petitioners that the first respondent had issued licences to the petitioners to run shops and, therefore, they cannot be termed as encroachers and the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 cannot be pressed into service.

4. On hearing the learned counsel for the parties, we direct respondents 2 and 4 (The Estates Officer, Wellington Cantonment Board, Wellington - 643 232, Ooty and the Tahsildar, Coonoor Taluk, Nilgiris District, respectively) to cause a joint inspection of the sites in question to be made within a fortnight from the date of receipt of copy of this order and if constructions are found to be in violation of the sanctioned plan or if it is unauthorized in any other manner and or if any encroachment has been made by the petitioners, the respondents shall take action in accordance with law, after giving notice to all concerned, and conclude the proceedings within a period of two months thereafter.

5. These writ petitions, accordingly, stand disposed of. No costs. Consequently, W.M.P.Nos.11717 to 11722 of 2017 are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sasi

To:

1 The Chief Executive Officer
Wellington Cantonment Board
Ministry of Defence
Government of India
Wellington - 643 232
Ooty.

2 The Estates Officer
Wellington Cantonment Board
Wellington - 643 232
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3 The District Collector
Nilgiris District.

4 The Tahsildar
Coonoor Taluk
Nilgiris District.

+2ccs to Mr.J.Bharathiraja, Advocate, S.R.No.25624,25623

+1cc to the Government Pleader, S.R.No.26476

W.P.Nos.10772 and 10773 of 2017

rk(co)
rmp(10/05/17)

सत्यमेव जयते

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