

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.35128 of 2003

Lenin Kudisai Mattru Variya
Pathukappu Sangam, rep. by
its Secretary,
17, Anna Nagar, Kirappatti,
Trichy-12.

... Petitioner

Vs.

1. The State of Tamil Nadu rep. by
its Secretary to Government,
Housing & Urban Development Department,
Secretariat,
Chennai-9.
2. The District Collector,
Trichy District, Trichy.
3. Executive Engineer,
Tamil Nadu Slum Clearance Board,
Trichy Division,
16/3, Williams Road,
Trichy-1.
4. Divisional Engineer,
Highways Department,
Trichy-20.
5. Assistant Divisional Engineer,
Highways Department,
Trichy-20.
6. The Southern Railways,
Represented by its General Manager,
Chennai-600 003.

(Sixth respondent suo motu impleaded as
per order dated 15.09.2017 in
W.P.No.35128 of 2003)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, for bearing the respondents from taking any action to evict or dis-possess the members of the petitioner-Association, mentioned in the Annexure to this petition, from their residence residing in Survey No.17/3, 'L' Block, K.Abhisekapuram, Trichy Taluk and District under the Tamil Nadu Land Encroachment Act.

For Petitioner : Mr.V.Sivalingam

For Respondents : Mr.Akhil Akbar Alli,
Govt. Advocate for RR-1, 2, 4 & 5

Mr.S.Prabhu for R-3

Mr.P.T.Ramkumar for R-6

ORDER

The petitioner has come forward with this Writ Petition seeking to forbear the respondents from taking any action to evict or dis-possess the members of the petitioner Association from their residence residing in Survey No.17/3, 'L' Block, K.Abhisekapuram, Trichy Taluk and District under the Tamil Nadu Land Encroachment Act.

2. It is the stand of the petitioner-Association as per the communication of the District Collector, dated 23.04.2003 addressed to the CPI Secretary, Trichy, that the land(s) belonging to the Railways Department. If the place in question is required by the Railways, it is open for the Railways to take action to evict the people. The learned counsel appearing for the third respondent has also filed reply affidavit stating that the land(s) belongs to the Railways. Learned counsel for the petitioner submitted that no instructions are received from the petitioner.

3. Taking note of the above stand of the petitioner and the third respondent that the land(s) belong to the Railways, this Court, has suo motu impleaded the Southern Railways, represented by its General Manager, Chennai-600 003, as sixth respondent on 15.09.2017 and Mr.P.T.Ram Kumar, learned counsel appearing for the Railways took notice for the same.

4. In fact, from the said letter of the District Collector, Trichirapalli, addressed to CPI Secretary, Trichy, dated 23.04.2003, it is seen that the members of the petitioner-Association sought for patta with regard to 56 families with respect to the aforesaid Survey Number. The District Collector has given a reply stating that the land(s) belong to the

Railways and hence, it cannot be transferred to the Slum Clearance Board.

5. Taking into consideration the above facts and the admission by the petitioner that the land(s) in question belongs to the Railways, it is open for the sixth respondent-Southern Railways to evict the members of the petitioner-Association forthwith. The respondents are directed to evict the members of the petitioner-Association and other encroachers, if any, within a period of 15 days from the date of receipt of this order. The Police authorities are expected to co-operate with the Railways for the above said eviction.

6. With the above observations and direction, the Writ Petition is disposed of. No costs.

cs

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

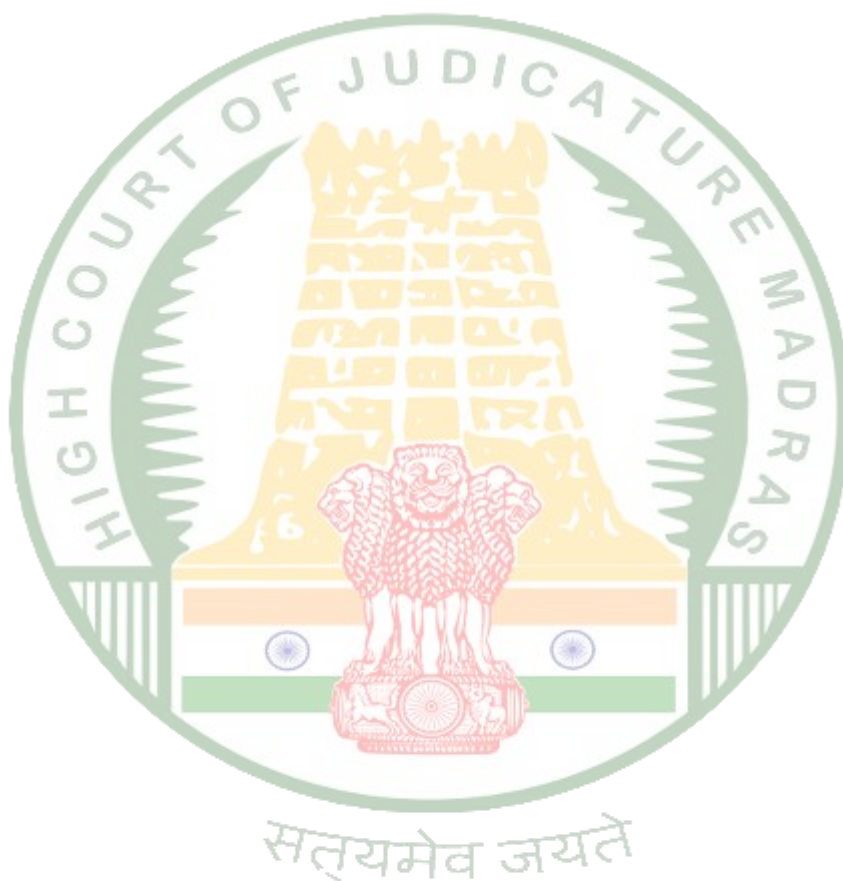
1. The Secretary to Government,
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Secretariat, Chennai-9.
2. The District Collector, Trichy District,
Trichy.
3. Executive Engineer,
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Trichy Division,
16/3, Williams Road, Trichy-1.
4. Divisional Engineer, Highways Department,
Trichy-20.
5. Assistant Divisional Engineer,
Highways Department,
Trichy-20.

6. The General Manager,
Southern Railways,
Chennai-600 003.

+1CC to P.T.Ramkumar Advocate SR.NO.69075 Standing Counsel
+1CC to Govt Pleader SR.NO.69412

W.P.No.35128 of 2003

MK:10/10/2017



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