



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.(MD)Nos.868 to 870 of 2017

and

M.P.(MD)Nos.5817 to 5819 of 2017

Murugan ... Appellant in
W.A.(MD)No.868 of 2017
Muthusamy ... Appellant in
W.A.(MD)No.869 of 2017
Mariappan ... Appellant in
W.A.(MD)No.870 of 2017

-vs-

1. The District Collector,
Office of the District Collector,
Tirunelveli District.
2. The Commissioner,
Tirunelveli Municipality,
Tirunelveli.
3. The Executive Engineer,
Tamil Nadu Slam Clearance Board,
N.G.O. "B" Colony,
Tirunelveli District.

... Respondents in
all W.A.s

Prayer: Writ Appeal filed under Clause 15 of Letter Patent, to call for the records connected with the order dated 12.03.2015 made in W.P.No.3457, 3458 and 3459 of 2015 and set aside the same as illegal and allow the writ petition.

Prayer in WP(MD). 3457, 3458 and 3459 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents from evicting the petitioner and his family members from his dwelling house situated in old No.3/4, New No.149, No.147 and No.152, Esanamaadam, Karuvelan Kundu Street, Pudhupettai, Tirunelveli District comprising 540, 600 and 600 square feet without follow the due process of law respectively.



For Appellants : Mr.R.Alagumani
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

COMMON JUDGMENT*********

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Alagumani, learned counsel appearing for the appellants and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents in all appeals.

2.By consent, the Writ Appeals are taken up for final disposal.

3.These Writ Appeals are directed as against the order dated 12.03.2015 made in W.P.(MD).Nos.3457 to 3459 of 2015.

4.The Writ Petitions were filed by the appellants stating that they should not be evicted from dwelling house. The respondent contented that there is an encroachment.

5.The case of the petitioners is that the property has been assessed to tax. There is electricity supply, ration card, voter idendity card and other documents. These documents are of little avail and cannot perfect title over the property. Unless and until, the petitioners have title over the property, they cannot continue in the said premises. Therefore, the respondent is directed to issue notice call upon the petitioners to appear before him and produce document to prove their title over the property and if there is no document to that effect, then the respondent shall pass an order of eviction and the eviction shall be done within 15 days thereafter.

5.With the above reasons, this Writ Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of District Collector,
Tirunelveli District.

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

2. The Commissioner,
Tirunelveli Municipality, Tirunelveli.



3. The Executive Engineer,
Tamil Nadu Slam Clearance Board,
N.G.O. "B" Colony,
Tirunelveli District.

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and
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