



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM:

THE HONOURABLE **MR. JUSTICE M.M.SUNDRESH**

AND

THE HONOURABLE **MR. JUSTICE N.SATHISH KUMAR**

W.A. (MD) No.510 of 2016 &

C.M.P. (MD) .No.3556 of 2016

- 1.Nallusamy
- 2.Ashok Kumar
- 3.P.Mayandi
- 4.G.Murugadass
- 5.V.Saravanan
- 6.M.Annadurai
- 7.Kulanthaivelu

... Appellants/writ petitioners

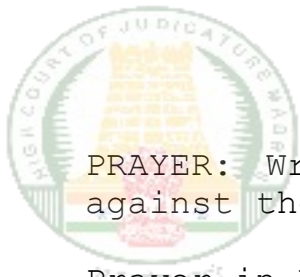
Vs.

1. The District Collector,
Trichy District,
Trichy.
2. The Thasildar,
Manapparai,
Trichy District.
3. The Commissioner,
Manapparai Municipality,
Manapparai,
Trichy District.
4. The Assistant Engineer,
(Construction and Maintenance),
Highways Department,
Manapparai,
Trichy District.
5. The Assistant Engineer,
(Construction and Maintenance),
Highways Department,
Viralimalai,
Trichy District.

6. G.Raju

... Respondents /Respondents

<https://hcservices.courts.gov.in/hcservices/>
Is provided vide order dated 20.07.2017 in C.M.P. (MD) .
No.6579 of 2017)



PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 02.03.2016, in W.P.(MD).No.4274 of 2016.

Prayer in WP(MD). 4274/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus forbearing the respondents from demolishing and evicting us from the above said premises situated in Old D.No.5B, New D.No.3/639, New D.No.3/641, Old D.No.5B5, New D.No.3/643, New D.No.3/644 and 645, D.No.3/646, D.No.35A/4, D.No.3/648, Ponmuchandi, Kodumbalur Road-Manapparai Road, Manapparai Taluk, Trichy District based on the petitioner's representation dated 11.01.2016.

For Appellant : Mr.B.Prahalad Ravi
For Respondents : Mr.M.Murugan for R1, R2, R4 & R5
Government Advocate
Mr.J.Lawrance for R3
Mr.B.Prasanna Vinoth for R6

JUDGMENT

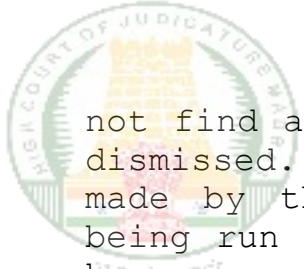
[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

This appeal is directed against the order of the learned Single Judge on the factual premise that the land being the Government land, and appellants will have to vacate it on or before 31.03.2016.

2. The learned counsel for the appellants would submit that there is a doubt as to whether the property is Government property or private property and no procedure has been followed before evicting the appellants.

3. The learned counsel appearing for the respondents would submit that the said submission is factually wrong. Admittedly the property encroached by the appellants is a Government Land, in fact the State Highways land. The remaining part of the land has already been acquired, because of this encroachment, the project of widening the road has been stalled from the year 2012 onwards. Notice has also been given to the appellants for eviction. These facts are not placed before the learned Single Judge though the writ petition was dismissed.

4. We do not find any merit in the writ appeal. Even in the representation sought to have been made by the writ petitioners, they have not claimed title. Records also would show that the land in question is a State Highways land. Appellants have been issued notice by the highways department, in fact it also sought police protection for carrying out eviction. Considering the same we do



not find any merit in the appeal. Accordingly, the writ appeal is dismissed. However, taking into consideration the submissions made by the learned counsel for the appellants that shops are being run in the encroached portion and in one instant there is a house, we deem it fit to give further period of 4 months time to vacate all the premises, in which the appellants are in encroachment. Accordingly, they shall vacate the premises in their occupation on or before 15.12.2017, failing which it is open to the respondents to evict them with the aid of the police. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

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Trichy District.
5. The Assistant Engineer,
(Construction and Maintenance),
Highways Department,
Viralimalai,
Trichy District.

+1 CC to MR.B.PRAHALAD RAVI, Advocate, SR No. 71851
 +1 CC to MR.J.LAWRANCE, Advocate, SR No. 71927
 +1 CC to MR.A.N.RAMANATHAN, Advocate, SR No. 71629
 +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 72046.

JIKR

PSM/MR-KKR/SAR2/23.08.2017/3P/10C

Judgment made in
 W.A.(MD) No.510 of 2016 &
 C.M.P. (MD) .No.3556 of 2016
 09.08.2017