



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

and

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 103 to 105 of 2016

and

W.M.P. (MD) Nos. 83 to 85 of 2016

WEB COPY

1.C.Kalladiyan	...	Petitioner in W.P. (MD) No. 103 of 2016
2.C.Karuppaiah	...	Petitioner in W.P. (MD) No. 104 of 2016
3.R.Rajendran	...	Petitioner in W.P. (MD) No. 105 of 2016

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3. The Revenue Inspector,
Nerkuppai Firka,
Thiruppathur Taluk,
Sivagangai District.

4. The Village Administrative Officer,
33-A Thekkur Group,
Thiruppathur Taluk,
Sivagangai District.

... Respondents in all W.P's.

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 3rd and 4th respondents vide proceedings NIL dated 21.12.2015 and quash the same as illegal.

For Petitioner : Mr.S.Arivalagan
(in all W.P's)

For Respondents : Mr.M.Govindan
(in all W.P's) Special Government Pleader



COMMON ORDER

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioners are aggrieved by the impugned notices dated 21.12.2015 issued by the third respondent herein.

2.The case of the writ petitioners is that they belong to Hindu Pallar -Scheduled Caste Community and that their houses were constructed by the department under IAY Scheme in the year 1995-1996. Subsequently, the cement road was laid in the year 2002 and 2003. Therefore, the question of demolishing or removing the houses put up by the Government cannot arise.

3.However, if the writ petitioners have committed any subsequent encroachment on the cement road, the same is liable to be removed. It is seen that what has been issued only a notice. Therefore the writ petitioners can very well submit their explanation in response to the same. It is made clear that the department shall not remove their houses, which it had constructed for the benefit of the writ petitioners. At the same time if any encroachment has been committed over and above the construction put up by the Government, the same is liable to be removed.

4.These writ petitions are disposed of with the above observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Sivagangai District, Sivagangai.
- 2.The Tahsildar, Thiruppathur Taluk, Sivagangai District.
- 3.The Revenue Inspector,
Nerkuppai Firka, Thiruppathur Taluk, Sivagangai District.
- 4.The Village Administrative Officer,
33-A Thekkur Group, Thiruppathur Taluk, Sivagangai District.

+1cc to Special Government Pleader, SR.No. 77836
rmi

MAS/JC/SAR4:07.11.2017:2P-6C