



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.7035 to 7038 of 2017

and

W.M.P. (MD) .Nos.5556 to 5559 of 2017

Bindhu	.. Petitioner in W.P. (MD) No.7035 of 2017
S.Samsuddin	.. Petitioner in W.P. (MD) No.7036 of 2017
Gangaiammal	.. Petitioner in W.P. (MD) No.7037 of 2017
Sikkandhar	.. Petitioner in W.P. (MD) No.7038 of 2017
Vs.	
1.The Commissioner, Tiruchirapalli City Corporation, Tiruchy.	
2.The Assistant Commissioner, Co-Abisekapuram Division, Tiruchirapalli Corporation, Tiruchirapalli.	
3.The District Collector, Tiruchirapalli.	.. Respondents in all Writ Petitions

COMMON PRAYER: Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the order Na.Ka.No.F1/8665/2016 dated 10.03.2017 issued by the second respondent and to quash the same and direct the third respondent to issue patta .



For R1 & R2
in all Writ Petitions

: Mr.N.S.Karthikeyan
Standing Counsel

For R3
in all Writ Petitions

: Mr.T.S.Mohamed Mohideen
Additional Government Pleader

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O R D E R

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

The writ petitioners challenge the order dated 10.03.2017 passed by the second respondent herein under Section 258 of the Trichy Corporation Act 1994, calling upon the writ petitioners to remove the encroachments in the park belonging to the Trichy Corporation.

2. The case of the writ petitioners is that they were residing along with their family members in Panikkan Street, Trichy and that they were relocated by the authorities in the present site.

3. Admittedly, the writ petitioners are now living with their family members in an asbestos sheet house. No doubt, the condition of the writ petitioners is pitiable. At the same time, this Court cannot permit occupation of a park area for residential purposes. It has been consistently held that the public places such as park, play ground and roads should be kept free of encroachment.

4. Therefore this Court cannot interfere with the order of eviction passed by the second respondent. The order impugned in this writ petition is sustained. However, we cannot lose sight of the fact that the writ petitioners belong to a marginalised section of the society.

5. Considering their economic condition and background, the third respondent can very well consider their request for allotting an alternative site. The writ petitioners are permitted to submit representations in this regard to the third respondent. The third respondent is directed to consider such representations and pass appropriate orders in accordance with law, taking note of the petitioners' condition. Such order shall be passed within three months from the date of receipt of representations from the writ petitioners. The writ petitioners shall not be disturbed from their present location for four months from the date of receipt of a copy of this order. In other words, the order impugned in this writ petition though sustained shall be kept in abeyance for a period of four months.



6. Accordingly, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner,
Tiruchirapalli City Corporation,
Tiruchy.

2. The Assistant Commissioner,
Co-Abisekapuram Division,
Tiruchirapalli Corporation,
Tiruchirapalli.

3. The District Collector,
Tiruchirapalli.

+1cc to Mr. N. SIVASUBRAMANI Advocate SR.No. 72796

+1cc to THE SPECIAL GOVERNMENT PLEADER, SR.No. 72883

KM

MAS/SV.MMS/SAR.2/3.10.2017/3P-6C

ORDER MADE IN
W.P. (MD) Nos. 7035 to 7038 of 2017
11.08.2017