

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE, J.

W.P.Nos.21540 to 21544, 21582 to 21586,
21588 to 21593 of 2018 and
connected Miscellaneous Petitions

R.Rajeswari	...	Petitioner in W.P.No.21540 of 2018
Y.Gayathri	...	Petitioner in W.P.No.21541 of 2018
A.Adhilakshmi	...	Petitioner in W.P.No.21542 of 2018
K.Lakshmi	...	Petitioner in W.P.No.21543 of 2018
E.Anjala	...	Petitioner in W.P.No.21544 of 2018
M.Muniammal	...	Petitioner in W.P.No.21582 of 2018
S.Gaja	...	Petitioner in W.P.No.21583 of 2018
V.P.Narayanan	...	Petitioner in W.P.No.21584 of 2018
M.Vennila	...	Petitioner in W.P.No.21585 of 2018
D.Usha	...	Petitioner in W.P.No.21586 of 2018
M.Arumugam	...	Petitioner in W.P.No.21588 of 2018
S.Perumal	...	Petitioner in W.P.No.21589 of 2018
M.Muniyandi	...	Petitioner in W.P.No.21590 of 2018
S.Ravi	...	Petitioner in W.P.No.21591 of 2018
S.Munusamy	...	Petitioner in W.P.No.21592 of 2018
A.Shantha	...	Petitioner in W.P.No.21593 of 2018

-Vs-

सत्यमेव जयते

- 1.The District Collector,
Office of the District Collector,
Vellore District.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Ranipet, Vellore District.
- 3.The Tahsildar,
Taluk Office,
Walajapet, Vellore District.

4.The Commissioner,
Walajapet Municipality,
Walajapet, Vellore.

... Respondents in all the Writ
Petitions

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd and 4th respondents to consider and take appropriate action on the representation of the petitioner dated 09.08.2018.

For Petitioner: Mr.M.D.Thirunavukkarasu(in all Wps)

For Respondents: Mr.J.Pothiraj
Spl.Govt.Pleader for R1 to R3 in all
Writ Petitions
No Appearance Reg R4.
In all Writ Petitions

O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN,J.]

By consent, the writ petitions are taken up for final disposal during the time of admission.

2. The petitioners have come up with these writ petitions with a grievance that without issuing notice to them, the respondents are threatening them to vacate the houses constructed by them. According to the petitioners, the respondents have taken action for removal of the alleged encroachment pursuant to the order dated 8 June 2018 in W.P.No.18691 of 2017. It is the further case of the petitioners that on receipt of the said information, they have submitted detailed representation to the respondents with a request not to evict them. There was no follow up action taken by the respondents pursuant to their representations. The petitioners are therefore before this Court.

3. Thiru.J.Pothiraj, learned Special Government Pleader, on instructions submitted that the petitioners would be evicted only in accordance with law.

4. This Court by order dated 8 June 2018 in W.P.No.18691 of 2017 directed the respondents to take appropriate action for

removal of encroachment and more particularly, relating to the public tank in Survey No.425, Kudimallur Village, Devadhanam Road, Kudimallur, Walajapet, Vellore District. The Division Bench very clearly stated that such a direction was issued without going into the merits of the matter. It is the grievance of the petitioners that without issuing notice to the affected parties, action is taken for removal of encroachment.

5. There is no dispute that before taking action for removal of encroachment, notice should be issued to the concerned encroachers. In case, the respondents are of the view that the petitioners are in unauthorised occupation of the public property, show cause notice should be issued to them under the relevant Act. The petitioners should also be given a reasonable opportunity to submit their response. The question of eviction would arise only after passing final orders taking into account the representation given by the concerned encroachers. The Status Quo with respect to the property shall be maintained till orders are passed by the concerned authorities in accordance with law.

6. The writ petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

svki

To

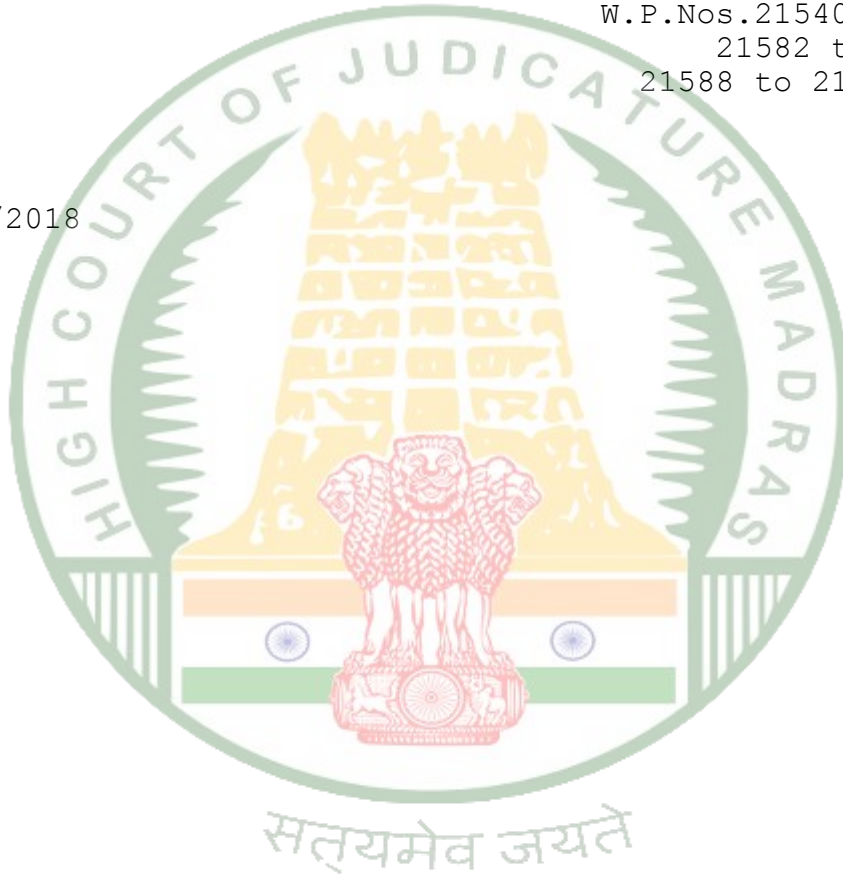
- 1.The District Collector,
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Walajapet, Vellore District.

4.The Commissioner,
Walajapet Municipality,
Walajapet, Vellore.

+1cc to the Government Pleader Sr.57930, 57931, 57932
+3cc to Mr.M.D.Thirunavukkarasu, Advocate
Sr.66078, 66079, 66080[25/09/2018]

W.P.Nos.21540 to 21544,
21582 to 21586 and
21588 to 21593 of 2018

RGN[co]
srg 24/09/2018



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