

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.21763 and 21764 of 2007
and
MP No.1 of 2007

Sithayan

.... Petitioner in WP No.21763 of 2007

T.Jamal

... Petitioner in WP No.21764 of 2007

Vs

1.The District Collector,
Erode.

2.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Annai Sathya Nagar,
Bhavani Main Road,
Erode - 5

... Respondents in both WPs

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Mandamus forbearing the respondent herein from evicting the petitioner from the Survey No.9/2, Erode Village, Erode Taluk and District without due process of law.

For Petitioner : Mr.R.Nalliyappan

For Respondents: Mr.K.Ravikumar
Additional Government Pleader for R1
Mr.S.Prabhu, Standing Counsel for R2

O R D E R

The petitioners filed these writ petitions seeking for a direction to the respondents not to interfere with their peaceful possession and enjoyment of the property in Survey No.9/2, Erode Village, Erode Taluk and District without following the due process of law.

2 The case of the petitioners here in this case is that they are residing in the land in Survey No.9/2, Erode Village, Erode Taluk and District since 1975 and living with their aged parents, wife and children. Admittedly, the above said land belongs to Government and for which, they are paying the B memo charges. Some of the similarly situated persons have been evicted and alternative residential houses were allotted to them by the second respondent. In this regard, the petitioners also made representations to the respondents herein to allot houses for their family. While the above representations are pending before the 2nd respondent, however, to their shock and surprise the 2nd respondent directed the petitioners to vacate the premises in which they are in possession. The petitioners under the threat of eviction, came forward to file these writ petitions.

3 Heard the submissions of the learned counsel appearing for the petitioners, so also the learned counsel appearing for the respondents and also perused the records.

4 A perusal of the materials would reveal that admittedly the respondents are not given any notice to the petitioner before issuing the eviction proceedings. It is settled position of law that no person shall be evicted without following the due process of law. In such premises, this Court directs the respondents to issue notice to the petitioners afresh and follow the procedures in the manner known to law. Accordingly, the writ petitions stand disposed of with the above observation. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Erode.
- 2.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Annai Sathya Nagar,
Bhavani Main Road,
Erode - 5

+1cc to Mr.S.Prabhu, Advocate, S.R.No.46105

+1cc to the Government Pleader, S.R.No.47061

W.P.No.21763 and 21764 of 2007

GSP(04/09/2018)



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