



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM:

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE Mrs. JUSTICE S.RAMATHILAGAM

W.P. (MD) .No.162 of 2018

and

W.M.P. (MD) .No.173 of 2018

Sebasthiammal

... Petitioner

Vs.

1. The District Collector,
Trichy, Trichy District.

2. The Tahsildar,
Srirangam,
Trichy District.

... Respondents

PRAYER: This petition is preferred under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents not to evict the Writ Petitioner from the property bearing Door No.3/62 situated at Survey No.298 of Fathima Nagar, Sethurapatti Village, Srirangam Taluk, Trichy District, without following the due process of law.

For Petitioner	: Mr.B.Rajesh Saravanan
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2.Heard Mr.B.Rajesh Saravanan, counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, Special Government Pleader, who takes notice for the respondents.

3.The case of the petitioner is that the petitioner has been in possession of the property comprising Survey No.298 admeasuring 1½ cents in Fathima Nagar, Sethurapatti Village, Srirangam Taluk, Trichy District. Originally, the petitioner's husband had been in possession of the property right from the year 1970 and regularly paying house tax for the superstructure put up by them. For the past 40 years, the petitioner is living in the house and occupying the said property. All the Government documents of the petitioner bearing the address of the said property, to which, the eviction notice was issued by the



Government. When the petitioner is in possession of the property and enjoying with the same, the respondents issued notice dated 16.11.2016 stating to vacate the premises, for which, an objection was given by the petitioner on 01.12.2016. Thereafter the petitioner also sent a notice to the respondents on 28.12.2017. However, since there is no progress, the petitioner is before this Court seeking a writ of mandamus directing the respondents not to evict the petitioner from the property.

3.The tax receipts in respect of the property would show that the petitioner has been in possession of the property right from 1970, upto date the Ration Card and Voter Identity Card are also reflect the same address. The petitioner has already given an objection with notice dated 16.11.2016. Therefore, this Court directs the second respondent to issue notice to the petitioner and hear the petitioner by affording personal hearing and pass appropriate orders on merits and as per law, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall not be evicted, if any adverse order is passed till it is served upon her and thereafter two weeks, so as to enable the petitioner to work out her remedy.

The Writ Petition is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichy, Trichy District.
2. The Tahsildar,
Srirangam,
Trichy District.

+1cc to Mr.B.Rajesh Saravanan, Advocate Sr.No.40838
+1cc to The Spl.Government Pleader Sr.No.40826

NS
VB/JC/SAR1/22/01/2018/2P/5C

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