



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P(MD)Nos.1974 to 1976 of 2018  
and  
W.M.P(MD)Nos.2222 to 2224 of 2018

P.Kattandi .. Petitioner in  
W.P(MD)No.1974 of 2018  
A.Sathee .. Petitioner in  
W.P(MD)No.1975 of 2018  
M.Aadaikkan .. Petitioner in  
W.P(MD)No.1976 of 2018

Vs.

1.The District Collector,  
Madurai District, Madurai.

2.The Assistant Divisional Engineer,  
(Construction and Maintenance),  
State Highways, Melur,  
Madurai District.

.. Respondents in  
all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to fix appropriate rent for the occupation of the petitioners in the lands of the second respondent located at Nos.3/95A and 3/46, Arukkanpatti Bus Stop, State Highways Road between Melur-Samuthirapatti and Sekkipatti at Kesampatti Revenue Village, or in the alternative to direct the first respondent to allot suitable alternative site to the petitioners, on the basis of the representations, dated 13.01.2018 respectively, within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan  
in all W.Ps.

For Respondents : Mr.D.Muruganandam,  
in all W.Ps. Additional Government Pleader.

COMMON ORDER

[Common Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.B.Saravanan, learned counsel appearing for the petitioners as well as Mr.D.Muruganandam, learned Additional Government Pleader, appearing for the respondents.



2.The petitioners seek for issuance of a writ of mandamus to direct the first respondent to fix appropriate rent for the occupation of the petitioners in the lands of the second respondent located at Nos.3/95A and 3/46, Arukkanpatti Bus Stop, State Highways Road between Melur-Samuthirapatti and Sekkipatti at Kesampatti Revenue Village, or in the alternative to direct the first respondent to allot suitable alternative sites to the petitioners, on the basis of their representations, dated 13.01.2018.

3.Admittedly, the petitioners are the encroachers of Highways property. Though, the petitioners approached this Court through various writ petitions, from the year 2013, no relief could be granted to them, in these writ petitions, especially, in the light of the materials placed by the second respondent, who is present in Court along with the files. It is submitted that survey has been conducted and it has been found that eight persons have encroached in the Highways properties and three of them are before this Court. The plea of discrimination also has been negatived, since action has been initiated against all the encroachers. Therefore, these writ petitions are dismissed and the respondents are directed to proceed with the eviction process and before evicting the petitioners, they may be given one opportunity to remove the superstructure and all their belongings, within a period of fifteen days from the date of receipt of a copy of this order. If they failed to do so, the respondents are entitled to carry out the eviction process and if necessary, they shall seek for police assistance. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,  
Madurai District, Madurai.
- 2.The Assistant Divisional Engineer,  
(Construction and Maintenance),  
State Highways, Melur,  
Madurai District.

+1cc to M/S.Special Government Pleader,SR. 50571

W.P (MD) Nos.1974 to 1976 of 2018  
and

W.M.P (MD) Nos.2222 to 2224 of 2018  
20.02.2018

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