



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.616 of 2018
and
W.M.P (MD) No.643 of 2018

P.Mythili ... Petitioner

Vs.

1. The Executive Engineer,
Public Works Department,
Periyar Vaigai Basin Division,
Thallakulam,
Madurai 2.

2.Salai Sivakumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the 1st respondent and their men and agent to unlawfully evict the petitioner from her shops situated at PWD Land No.44-A and 44-B in S.No.968/6 of Arapalayam - Chinthamani Channel without following the procedures established under the law.

For Petitioner : Mr.R.Rajamohan

For 1st Respondent : Mr.M.Rajarajan,
Government Advocate.

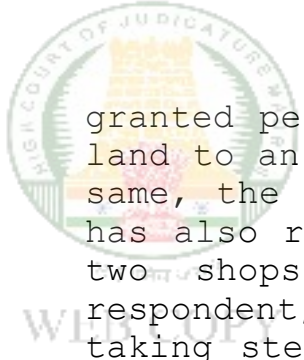
ORDER

This writ petition has been filed seeking to forbear the first respondent and their men and agent to unlawfully evict the petitioner from her shop situated at PWD Land Nos.44-A and 44-B in S.No.968/6 of Arapalayam - Chinthamani Channel without following the procedures established under the law.

2.Heard Mr.R.Rajamohan, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the first respondent. Notice to the second respondent is dispensed with in view of the nature of the order to be passed by this Court.

<https://hccservices.myservices.in/>

3.According to the petitioner, the first respondent



granted permission to put up a petty shop in Government poramboke land to an extent of 4x6 and 2.25 mts x 1.50 mts. Pursuant to the same, the petitioner has put petty shops and the first respondent has also received a sum of Rs.8881/- towards lease amount for the two shops put up by the petitioner. While so, the first respondent, at the instigation of the second respondent is now taking steps to reduce the total land allotted to the petitioner to put up the shops. Hence, the petitioner has filed the present writ petition.

4.Today, when the matter is taken up for hearing, learned Government Advocate appearing for the first respondent submitted that by an order dated 16.10.2017, the first respondent has passed a fresh order permitting the petitioner to have 48 square feet of land. Since the petitioner is in occupation of more than 48 square feet of land, the first respondent is taking steps to evict the petitioner from the place where the petitioner is unauthorisedly occupied.

5.In such view of the matter, the first respondent is directed not to evict the petitioner from the land where the petitioner was granted permission. However, if it is found that the petitioner is occupied more than 48 square feet of the land, it is open to the first respondent to evict the petitioner from the place.

6.With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)No.643 of 2018 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

The Executive Engineer,
Public Works Department,
Periyar Vaigai Basin Division,
Thallakulam,
Madurai 2.

+ 1 cc TO Mr.R.Rajamohan , Advocate in SR No. 41890
+ 1 cc TO The Special Government Pleader in SR No. 42309

sms

<https://hcs.e-governance.gov.in/hcs/Service2/2018/2P/4C>

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