



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.12403 to 12407 of 2008

and

M.P.Nos.1 & 2 of 2008

M. Vijayakumar	...Petitioner in WP.No.12403/2008
Anjammal	...Petitioner in WP.No.12404/2008
N. Gajendran	...Petitioner in WP.No.12405/2008
Sammandam	...Petitioner in WP.No.12406/2008
M. Chandru	..Petitioner in WP.No.12407/2008

Vs.

1.The Government of Tamil Nadu,
rep. By its Secretary,
Ministry of Local Administration,
Fort St. George,
Chennai 600 009.

2. The Commissioner,
Cuddalore Municipality,
Cuddalore.

3. The Welfare Officer,
Cuddalore Municipality,
Cuddalore.

... Respondents in all the Wps.

Prayer in WP.Nos.12403 to 12407 of 2008:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent i.e., Commissioner Cuddalore Municipality, culminating in the Notice No.Na.Ka.1188/05/F1 dated 05.09.2007 circulated in Pachang Kuppam area quash the same and consequently direct the respondents 2 and 3 not to evict the petitioner from the area measuring 1200 sq.ft in Door Nos.65, 60, 69, 14 and 71 respectively Survey No.1710 at Thilak Nagar, 45th Ward, Cuddalore 607 003.

For Petitioner in all the WPs : Mr.K. Balakrishnan



For Respondents in all the WPs: Mrs. K. Bhuvaneswari
Additional Government Pleader

C O M M O N O R D E R

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These petitioners have filed these petitions seeking issuance of a Writ of Certiorari Mandamus to call for the records of the second respondent i.e., Commissioner Cuddalore Municipality, culminating in the Notice No.Na.Ka.1188/05/F1 dated 05.09.2007 circulated in Pachang Kuppam area quash the same and consequently, direct the respondents 2 and 3 not to evict the petitioner from the area measuring 1200 sq.ft in Door Nos.65, 60, 69, 14 and 71 respectively Survey No.1710 at Thilak Nagar, 45th Ward, Cuddalore 607 003.

2. The petitioners belonged to Schedule Caste Community and they were doing coolie work on daily wage basis. Each of the petitioner occupied 1200 sq.ft upon the land belonging to the Cuddalore Municipality comprised in Survey No.1710 Pachangkuppam, Thilak Nagar, Cuddalore. The petitioners are residing with their family members in the above place for more than 15 years by putting up thatched huts. In order to recognise their possession, the ration card, voter Identity cards and electricity connection are also given to the petitioners in the above address and the basic civic amenities like provision of drinking water, drainage and street light are also given to them. While being so, the respondents frequently disturbing the petitioners' possession and tried to evict the petitioners without following the procedure of the Land Encroachment Act, 1905. Challenging the eviction proceedings of the respondents, the present writ petition is filed.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the possession of the petitioners cannot be disturbed without due process of law. After following the due process, appropriate action will be taken by the authority against the encroachers as per law.

5. Recording the submission of the learned Additional Government Pleader appearing for the respondents, the writ petition is disposed of with liberty given to the respondents to proceed in accordance with law. Till then, the possession of the petitioners cannot be disturbed without due process of law.

6. In view of the undertaking given by the learned



Additional Government Pleader, these writ petitions are disposed of with liberty granted to the respondents to proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

gv

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Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Ministry of Local Administration,
Fort St. George,
Chennai 600 009.

2. The Commissioner,
Cuddalore Municipality,
Cuddalore.

3. The Welfare Officer,
Cuddalore Municipality,
Cuddalore.

4. The Public Prosecutor,
High Court, Madras,
Chennai.

+5CCs to Mr.K.Balakrishnan, Advocate, SR.No.50022
+1cc to the Govt.Pleader, Vide Sr.No.50622

W.P.Nos.12403 to 12407 of 2008
and
M.P.Nos.1 & 2 of 2008

Kak (28/08/2019)