

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.22853 of 2010
and
M.P.No.1 of 2010

Sakkarai

..Petitioner

Vs

1.The District Collector,
Collectorate,
Thiruvannamalai District.

2.The Tahsildar,
Arani,
Tiruvannamalai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioner from C/3 Block, TS.No.93-1, Agazhi Poramboke, Arani, without following the due process of law as provided under Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.Su.Srinivasan

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

Heard Mr.Su.Srinivasan, learned counsel for the petitioner, Mr.D.Suriyanarayanan, learned Additional Government Pleader for the respondents and perused the materials available on record.

2.The petitioner has come forward with this writ petition for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioner from C/3 Block, T.S.No.93-1, Agazhi Poramboke, Arani, without following the due process of law.

3. According to the petitioner, he along with his family members are residing at C/3 Block, T.S.No. 93-1, Agazhi Poramboke, Arani, for more than forty years. Further, there are about 1500 families residing in Agazhi Poramboke, but, the respondents without following the due process attempted to evict the petitioner in a selective manner. Hence, the present writ petition.

4. The learned Additional Government Pleader appearing for the respondents, by referring the counter affidavit would submit that the petitioner died on 30.09.2011 and thereafter, his legal heirs are residing in the said place, which has been classified as 'Agazhi Poramboke (Water Course Poramboke)'. The learned Additional Government Pleader would further submit that the legal heirs of the petitioner have constructed four shops in Agazhi Poramboke and they have let them for rent. It is further submitted that the Agazhi Poramboke in C/3 Block, T.S.No.93-1 has been vested with the Arani Municipality and the second respondent had sent Form-1 notice as per G.O.Ms.No.540, to evict the encroachers.

5. The learned Additional Government Pleader would further submit that the second respondent has already directed the Municipal Commissioner, Arani, to evict the encroachers in the Water Course Poramboke and as per the orders of the Supreme Court and this Court, the encroachments in the Water Course Poramboke have been removed immediately.

6. Taking note of the fact that the respondents have already initiated eviction proceedings by issuing Form-1 notice, no further adjudication is required in this writ petition except observing that the respondent shall evict the petitioner forthwith by following the due process of law.

7. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

1. The District Collector,
Collectorate,
Thiruvannamalai District.

2.The Tahsildar,
Arani,
Tiruvannamalai District.

+1cc to Mr.Su.Srinivasan, Advocate, SR.73531

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PPA (CO)
CB (15/10/2019)



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