



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.18345 of 2019

Lenin Kudisai Mattru Variya Pathukappu Sangam,
rep. by its Secretary,
Old No.20, New Nos.62, 63, Anna Nagar,
Madurai Main Road,
Kirappatti,
Trichy-620 012.

.. Petitioner

-vs-

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai-600 009.
- 2.The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-600 009.
- 3.The District Collector,
Trichy, Trichy District.
- 4.The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-600 005.
- 5.The Divisional Engineer,
Highways Department,
Trichy-20.
- 6.The Assistant Divisional Engineer,
Highways Department,
Trichy-20.



7.The Southern Railways,
rep. by its General Manager,
Chennai - 600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents from evicting the members of the petitioner association from their houses in Survey No.17/3, "L" Block, K.Abhisekapuram, Trichy Taluk and District pursuant to the notice dated 18.06.2019.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent Nos.1 to
3, 5 and 6

Mr.S.Prabhu
for respondent No.4

Mr.P.T.Ramkumar
for respondent No.7

ORDER

(Order of the Court was made by M.Duraiswamy, J.)

The above writ petition has been filed by the petitioner to issue a Writ of Mandamus forbearing the respondents from evicting the members of the petitioner Association from their houses in Survey No.17/3, "L" Block, K.Abhisekapuram, Trichy Taluk and District pursuant to the show cause notice dated 18.06.2019.

2. At the outset, Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) appearing for respondent Nos.1 to 3, 5 and 6 raised a preliminary objection with regard to the maintainability of the writ petition stating that the writ petition filed by the Association canvassing the cause of encroachers is not maintainable. Further, learned Government Pleader (i/c) submitted that even the encroachers would be removed from the encroached property only after following due process of law. The said submission is recorded.



3. The learned counsel for the petitioner submitted that recording the submission made by the learned Government Pleader (i/c), the writ petition may be closed.

4. Since the learned Government Pleader (i/c) submitted that the encroachers will be removed only after following due process of law, the writ petition is closed and we are not rendering any finding with regard to the filing of the writ petition by the Association. No costs. Consequently, W.M.P.No.17702 of 2019 is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai-600 009.
- 2.The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-600 009.
- 3.The District Collector,
Trichy, Trichy District.
- 4.The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-600 005.
- 5.The Divisional Engineer,
Highways Department,Trichy-20.
- 6.The Assistant Divisional Engineer,
Highways Department, Trichy-20.
- 7.The General Manager,
Southern Railways,Chennai - 600 003.

+1cc to Mr.P.T.Ramkumar , Advocate SR.No. 63928
+1cc to M/s.C.S.Associates , Advocate SR.No. 63727
+1cc to Mr.S.Prabhu , Advocate SR.No. 63427
+1 cc to Government Pleader Sr.No. 63864

W.P.No.18345 of 2019

A.SK(28/08/2019)