



WEB COPY

W.P(MD)NO.18513 OF 2019
and
W.M.P(MD)Nos.14914 and 14915 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P(MD)NO.18513 OF 2019
and
W.M.P(MD)Nos.14914 and 14915 of 2019**

U.Muniasamy

:Petitioner

.vs.

- 1.The District Collector,
Collector's Office,
Thoothukudi - 628 004.
- 2.The Sub-Collector,
Sub-Collector's Office,
Thoothukudi - 628 -001.
- 3.The Chairman,
V.O.C Port Trust,
Thoothukudi - 628 004.
- 4.The Chief Engineer,
V.O.C.Port Trust,
Thoothukudi - 628 004.
- 5.The Executive Engineer,
V.O.C.Port Trust,
Thoothukudi - 628 004.
- 6.The Assistant Director(Fisheries),
Fisheries Department,
Thoothukudi - 628 001.
- 7.The Deputy Superintendent of Police,
Thoothukudi - 628 002.
- 8.The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi - 628 002.

<https://hcservices.hcil.in/hcservices/Eservices.do>



9.The Inspector of Police,
Central Police Station,
Thoothukudi- 628 001.

10.The Inspector of Police,
North Police Station,
Thoothukudi - 628 001.

11.P.Patturaj

12.P.Raguraj

13.P.Vinothraj

14.P.Mathanraj : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the second respondent's proceedings dated 16.8.2019 and to quash the same and to direct the respondents 1 to 10 not to interfere with the Petitioner's peaceful possession and enjoyment of three cents of land with the house in Door No.7X-448, Muthuraiyan Meenavar Colony, Threashpuram, Thoothukudi.

For Petitioner :Mr.M.Venkatesan

For Respondents :Mr.VR.Shanmuganathan
1,2 and 6 to 10 Special Govt.Pleader

For Respondents :Mr.A.Arivuchelvam
3 to 5

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU., J.**]

This Writ Petition is filed challenging the proceedings, dated 16.8.2019 issued by the second respondent. Consequently, the Petitioner seeks for a direction to the respondents 1 to 10 not to interfere with his peaceful possession and enjoyment of three cents of land with the house in Door No.7X-448, Muthuraiyan Meenavar Colony, Threashpuram, Thoothukudi.

2.Heard the learned counsel for the Petitioner and the learned Special Government Pleader appearing for the respondents 1,2 and 6 to 10 and the learned counsel appearing for the respondents 3 to 5/Port Trust. Since we propose to dispose this Writ Petition at the admission stage without affecting the interest of the respondents 1 to 14 in any manner, notice to these respondents are dispensed with.



3.The case of the Petitioner is that he is in occupation and possession of the subject-matter property referred to in the Writ Petition for a long number of years and utilizing the same for the purpose of repairing the boats and other allied works. Therefore, it is contended that the Port Trust or the Revenue Officials are not entitled to evict the Petitioner from the subject-matter premises. It is also contended that there are several other persons similarly situated, in occupation and possession of the property belonging to the Port Trust and therefore, the Petitioner alone cannot be singled out by issuing the impugned proceedings.

4.On the other hand, the learned counsel for the respondents 3 to 5/Port Trust submitted that the Petitioner is in occupation and enjoyment of the land belonging to the Port Trust and therefore, he is not entitled to seek for any protection from eviction. He further submitted that the very impugned proceeding would show that he is one of the signatory to the decision taken therein and therefore, he is not entitled to canvass the correctness or otherwise of the impugned order.

5.Heard both sides and perused the impugned proceedings, dated 16.8.2019.

6.It is seen that a Peace Committee Meeting was held on 16.8.2019 comprising of the interested parties including the Petitioner herein. It is further seen that in the said Peace Committee Meeting, decisions were taken to the following effect:

(a) the Petitioner like persons can utilize the land for parking the boats and for other allied activities like repairing the nets etc., however, without putting up any permanent or temporary construction therein;

(b) the temporary structures put up in the subject-matter property should be removed on or before 30.8.2019 and if it is not removed within such date, action will be taken by the Port Trust to remove the same, in accordance with law.

7.It is further seen that the above-said decisions were taken in the said Peace Committee Meeting in the presence of the Petitioner and others, as admittedly, he is also a signatory to the said decision. When such being the factual position, we do not find any justifiable reason for the Petitioner to challenge the said decision before this Court by way of the present Writ Petition. We find that that the interest of the Petitioner is not affected in view of Clause-I of the said decision, as extracted supra and hence the attempt of the Petitioner to challenge the said decision is totally misconceived. Accordingly, we do not find any reason to interfere with the said decision and thus the Writ Petition fails.



WEB COPY

W.P(MD)NO.18513 OF 2019
and
W.M.P(MD)Nos.14914 and 14915 of 2019

8. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector, Collector's Office, Thoothukudi - 628 004.
 2. The Sub-Collector, Sub-Collector's Office,
Thoothukudi - 628 -1.
 3. The Chairman, V.O.C Port Trust, Thoothukudi - 628 004.
 4. The Chief Engineer, V.O.C.Port Trust, Thoothukudi - 628 004.
 5. The Executive Engineer, V.O.C.Port Trust, Thoothukudi - 628 004.
 6. The Assistant Director (Fisheries),
Fisheries Department, Thoothukudi - 628 001.
 7. The Deputy Superintendent of Police,
Thoothukudi - 628 002.
 8. The Tahsildar, Thoothukudi Taluk Office,
Thoothukudi - 628 002.
 9. The Inspector of Police, Central Police Station,
Thoothukudi- 628 001.
 10. The Inspector of Police, North Police Station,
Thoothukudi - 628 001.
- +1 CC to Mr.A. ARIVU CHANDRAN, Advocate SR-83694.
+1 CC to Mr.M. VENKATESAN, Advocate SR-83927.
+1 CC to SPL GP SR-83965.

ORDER MADE IN
W. P (MD) NO.18513 OF 2019
and
W. M. P (MD) Nos.14914 and
14915 of 2019
27.08.2019

CS (13.09.2019) 4P 14C

<https://hcservices.ecourts.gov.in/hcservices/>