



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)Nos.19561, 19562, 19564, 19565, 19566 to 19568, 19570, 19572, 19576, 19577, 19584 and 19586 of 2019

and

W.M.P. (MD)Nos.16018 to 16023, 16025 to 16032, 16034, 16036 to 16040, 16045, 16047 and 16048 to 16051 of 2019

R.Vairava Sundaram	... Petitioner in WP(MD). 19561/ 2019
S.Pappa Mary Kamalam	... Petitioner in WP(MD). 19562/ 2019
P.Abraham	... Petitioner in WP(MD). 19564/ 2019
M.Selva Thiruppathy	... Petitioner in WP(MD). 19565/ 2019
A.Ibrahim	... Petitioner in WP(MD). 19566/ 2019
S.Babu	... Petitioner in WP(MD). 19567/ 2019
A.Jeevanantha Kani	... Petitioner in WP(MD). 19568/ 2019
S.Ibrahim Moosa	... Petitioner in WP(MD). 19570/ 2019
P.T.Mariappan	... Petitioner in WP(MD). 19572/ 2019
R.Vairava Sundaram	... Petitioner in WP(MD). 19576/ 2019
A.Sabariath Muthalif	... Petitioner in WP(MD). 19577/ 2019
R.Vijayalakshmi	... Petitioner in WP(MD). 19584/ 2019
P.T.S.Sathish Kumar	... Petitioner in WP(MD). 19586/ 2019

Vs.

1.The District Collector,
Office of the District Collector,
Thoothukudi District,

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



2.The Thasildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

.. Respondents

COMMON PRAYER: These Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Eviction Notice issued by the second respondent in proceedings in Na.Ka.AA6/10177/2015 dated 22.08.2019 and quash the same and consequently forbearing the respondents from any way interfering with the peaceful possession and enjoyment of the petitioner's shop comprised in Town Survey No.337, Old Survey No.449, 462, 462/2, 462/2 and 464, 456, 423, 449 respectively of Kovilpatti Town, Thoothukudi District without following due process of law.

In all WPs:

For Petitioner : Mr.B.Karuppasamy

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

COMMON ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.B.Karuppasamy, learned counsel for the petitioners and Mr.A.K.Baskara Pandian, learned Special Government Pleader for respondents.

2. These writ petitions have been filed challenging the eviction notice issued under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

3. The argument of the learned counsel for the petitioners is that the land has been classified as 'Grama Natham', therefore, the provisions of the Tamil Nadu Land Encroachment Act are not applicable. Further, it is submitted that there are procedural violations. The plea raised by the petitioners is wholly unsustainable, since the land has been classified as Odai. There is no justification for the petitioners to remain in possession of the land as they have encroached upon an Odai. The plea that there is procedural violations is also unsustainable.

4. The learned Special Government Pleader appearing for the respondents submitted that the encroachments have been removed.



5. In the light of the above, we find that absolutely no ground is made out by the petitioners to interfere with the impugned order. Accordingly, these writ petitions are dismissed. If there is any encroachment, which is yet to be removed, the respondent shall remove the same completely within a period of fifteen days from today (i.e., 12.09.2019) and seek for police assistance, if required. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Office of the District Collector,
Thoothukudi District,
Thoothukudi.

2.The Thasildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

+1 CC to M/s.GP (SR-86560[F] dated 13/09/2019)

+1 CC to M/s.B.KARUPPASAMY, Advocate (SR-86663[F] dated 13/09/2019)

W.P (MD) Nos.19561, 19562, 19564, 19565,
19566 to 19568, 19570, 19572, 19576,
19577, 19584 and 19586 of 2019
12.09.2019

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JMN(25.09.2019) 3P : 5C