



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD)Nos.20948 and 20950 of 2019

and

W.M.P. (MD)Nos.17522 and 17525 of 2019

V.Umaiyaraj ... Petitioner in W.P.(MD)No.20948 / 2019

M.Pandi Nadar ... Petitioner in W.P.(MD)No.20950 / 2019

Vs.

1.The District Collector,
Tuticorin District,
Collectorate, Tuticorin.

2.The Assistant Divisional Engineer,
Hihgways Department,
Construction and Maintenance,
O/o the Assistant Divisional Engineer,
Vilathikulam Post, Tuticorin District.

3.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Vilathikulam Post,
Tuticorin District.

4.The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam Post and Taluk,
Tuticorin District.

...Respondents in both petitions

COMMON PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in Ku.No.9/2019/A1/ dated 16.09.2019 and quash the same and consequently direct the respondents to survey and demark the road on both sides of Vilathikulam to Vedapatti Village Road, Tuticorin District and further forbear the respondents and their subordinates from removing the petitioners house situated in Patta Land in New S.No.72/2, and Door No.2/39 (Middle Street), Vedapatti Village, Vilathikulam Taluk, Tuticorin District respectively.



For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader
(in both petitions)

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COMMON ORDER

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

Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader, for the respondents. By consent on either side, this writ petition is taken up for final disposal.

2. Admittedly, the petitioners are encroachers of high way lands and have been issued notice, dated 16.09.2019, calling upon them to remove the encroachment. Without doing so, the petitioners have rushed to this Court. Only ground canvassed before us is that there are several encroachers.

3. The learned Additional Government Pleader appearing for the respondents submitted that action has been taken uniformly against all encroachers.

4. We place on record the submission made by the learned Additional Government Pleader and direct the respondents not to discriminate any person and if there is any encroachment, action should be initiated against all. If the encroachment is in the nature of dwelling house, then the respondent should grant reasonable time to the occupants / petitioners to relocate. In our considered view, reasonable time will be about two months and this time can be granted only if the petitioners / encroachers give letter of undertaking to the respondent that within a period of sixty days, they will vacate the premises by themselves and hand over the vacant possession. If they do not execute such undertaking, the benefit of this observation will not be extended to the petitioners / encroachers.

5. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)



To

1.The District Collector,
Tuticorin District,
Collectorate, Tuticorin.

2.The Assistant Divisional Engineer,
Hihgways Department,
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O/o the Assistant Divisional Engineer,
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Vilathikulam Police Station,
Vilathikulam Post and Taluk,
Tuticorin District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate
(SR-89997[F] dated 27/09/2019)

+1 CC to M/s.SPL GP (SR-90571[F] dated 30/09/2019)

ORDER MADE IN
W.P. (MD) Nos.20948 and 20950 of 2019
27.09.2019

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ES/16.10.2019/3P/7C