

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1461 of 2020

The Estate Officer-cum-Secretary,
M/s.Auroville Foundation,
Auroville Foundation Bhavan,
Auroville,
Tamil Nadu - 605 101.

... Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Collector Office Road,
Moovendar Nagar,
Villupuram - 605 602.
2. The Superintendent of Police,
Villupuram District,
Villupuram.
3. The Deputy Superintendent of Police,
Kottakuppam,
Villupuram District.
4. The Tahsildar,
Taluk Office, Vanur.

5. A.Haridass

6. A.Krishnamoorthy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to fix a date in consultation with the Inspector of Police, Auroville Police Station to provide police protection so as to carry out the eviction of the 5th and 6th respondents as per the eviction orders No.AF/EO/EP/2017/250 passed on 04.05.2017 under Section 5 of the Act by the Estate Officer of the petitioner concern for the eviction of the unauthorized occupants.

For Petitioner : Mr.M.Rajan

For Respondents: Mr.M.Elumalai

Government Advocate for R1 to R4
: No Appearance for R5 and R6.

O R D E R

This Writ Petition has been filed to direct the respondents 1 and 2 herein to fix a date in consultation with the Inspector of Police, Auroville Police Station to provide police protection, so as to carryout the eviction of the 5th and 6th respondents herein, as per order passed by the petitioner dated 04.05.2017 under Section 5 of the Public Premises Act.

2. Heard Mr.M.Rajan, learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate appearing for the first to fourth respondents.

3. It is seen that the disputed property was purchased and owned by the Auroville Foundation. The petitioner appointed one Arumugam and his wife Lakshmi as farm workers on a monthly salary basis. Thereafter, due to their old age, they retired from the employment. Even thereafter, the 5 and 6 respondents, who are sons of Arumugam and lakshmi stayed in the land. Therefore, the 5th and 6th respondents illegally occupied the land and refusing to vacate their land and premises, even after the retirement of their parents. Therefore, the petitioner is being the secretary of Auroville Foundation has been appointed as Estate Officer to exercise the powers for the lands owned by the Auroville by the Department of Higher Education, Ministry of Human Resources Development, New Delhi. Thereafter, the 5th and 6th respondents, who are illegally occupying the land, were issued show cause notices with a direction to vacate. Upon receipt of the show cause notices, the 5th and 6th respondents sent a reply and the first respondent passed an order under Section 5 of the Public Premises Act to evict the 5th and 6th respondents herein.

4. After passing the orders, the first respondent requested the Revenue Officials to execute the order of eviction passed by the petitioner herein. On receipt of the same, the Revenue Divisional Officer, by a letter dated 14.02.2019 directed the Tahsildar, Vanur to vacate the encroachments as directed by the petitioner herein. While doing the process of eviction, if necessary address to the concerned police to provide adequate police protection to execute the eviction order passed by the petitioner herein. Now, the petitioner has filed this Writ Petition for a direction directing the first and second respondents to fix the date for eviction and for police

protection. As directed, the Revenue Divisional Officer and the Tahsildar viz., the 4th respondent herein, till today, did not request for any police protection to execute the eviction order passed by the petitioner herein. Therefore, this Court cannot direct the first and second respondents to fix the date for eviction. It has to be fixed by the Revenue Authorities according to their convenience. If the Authorities concerned face any difficulty or any hindrance, while executing the eviction order they can very well ask for police protection before the concerned jurisdictional police.

5. Therefore, while executing the order of eviction, the concerned jurisdictional police shall consider the request made by the Revenue Authorities and after conducting enquiry with the private respondents 5 and 6 and shall act in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Office of the District Collectorate,
Collector Office Road,
Moovendar Nagar,
Villupuram - 605 602.

2. The Superintendent of Police,
Villupuram District,
Villupuram.

3. The Deputy Superintendent of Police,
Kottakuppam, Villupuram District.

4. The Tahsildar,
Taluk Office, Vanur.

5. The Government Advocate,
High Court, Madras.

W.P.No.1461 of 2020

MR(CO)
RMP(17/08/2020)