

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.27441 of 2013
and
MP No.1 of 2013

B.Rathi

..Petitioner

Vs

1. The Tahsildar,
Virudhachalam,
Cuddalore District.

2. The Assistant Divisional Engineer,
Highways,
Virudhachalam,
Cuddalore District.

3. The President,
Puliyur Village Panchayat,
Puliyur,
Virudhachalam Taluk,
Cuddalore District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from demolishing the house situated in Door No.642, Puliyur Road, P.Kottarakuppam Village, Virudhachalam Taluk, Cuddalore District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.K.Bhuvaneswari

Additional Govt. Pleader

ORDER

This writ petition has been filed to forbear the respondents from demolishing the house situated in Door No.642, Puliyur Road, P.Kottarakuppam Village, Virudhachalam Taluk, Cuddalore district except by due process of law.

2.Heard Mr.C.Prakasam, learned counsel for the petitioner and Mrs.K.Bhuvaneswari, learned Additional Government Pleader for respondents.

3. The learned Additional Government Pleader appearing for respondents on instructions submits that the subject house has been constructed over a Waterbody (Kuttai Poromobokey) and therefore, the petitioner is an encroacher. However, she submits that only after following the due procedure established under law, the respondents will be evicting the petitioner from the aforementioned property.

4. The relief also sought for in this writ petition is to forbear the respondents from evicting the petitioner from the aforementioned property except by following the due process of law. The relief sought for by the petitioner has now been achieved in view of the submissions made by the learned Additional Government Pleader for respondents. After recording her submissions that the petitioner will be evicted from the aforementioned property only after following the due procedure established under law, the writ petition stands disposed of. However, it is made clear that the respondents shall pass final orders to evict the petitioner by following the procedure established under law by providing sufficient opportunity to the petitioner to raise all his objections to the said eviction.

5. In the result, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Tahsildar,
Virudhachalam,
Cuddalore District.

2. The Assistant Divisional Engineer,
Highways,
Virudhachalam,
Cuddalore District.

+1 CC to The Govt. Pleader sr 15690.

W.P. No.27441 of 2013

MP (CO)
SP (19/05/2020)