

W.M.P.No.15562 of 2020
and
W.P.No.3371 of 2019

Dr.G.JAYACHANDRAN,J.

(The case has been heard through video conference)

Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the State and the learned standing counsel for the Tamil Nadu Electricity Board.

2. This petition is filed to clarify the order passed by this Court in common order dated 10.03.2020 in W.P.No.3371 of 2019 etc.

3. Operative portion of the order which sought to be clarified, reads as under:

“19. While dismissing the Writ petitions, this Court wish to record that as pointed out earlier 8.60 acres of land acquired for the Housing Board presently vest with the Government, but on the factual scenario, it is infested by people like petitioners. It is open for the Government to consider eviction of the encroachment or to rectify the encroachment in the manner known to law, after following due process.”

4. The petitioner wants to add the sentence, “it is open to the 1st respondent to consider the representation of the petitioner under Section 48 of Land Acquisition Act, 1894”. The above prayer is unsustainable and if such sentence is added in the order, it will tantamount to nullify the main order. Hence the clarification sought by the petitioner is rejected.

5. The learned counsel for the petitioner submit that as an encroacher in the subject land, the petitioner may be given an opportunity to represent the State to rectify, their encroachment. This Court finds that in the order dated 10.03.2020, which has been extracted above, it is made ample clear that the Government has the option either to evict the petitioner, who are encroacher in the eye of law or to regularize the encroachment in the manner known to law. Hence no further clarification is required in this matter.

6. Hence, the W.M.P.No.15562 of 2020 in W.P.No.3371 of 2019 etc., is disposed of accordingly.

30.09.2020

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