



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26640 of 2021

K. Thangavel

...Petitioner

Vs

The District Collector,
Salem,
Salem District

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 18.11.2021 seeking an alternative land in the event of eviction by the railway Department.

For petitioner : Mr. M. Elango

For Respondents : M/s. C. Sangamithirai,
Additional Special Government Pleader.

ORDER

The petitioner has filed this petition seeking issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 18.11.2021 seeking an alternative land in the event of eviction by the railway Department.

2. The case of the petitioner is that he is residing in the house constructed in the rail way land at Danishpet Village, Kadayampatti Taluk, Salem District which was constructed seventy years ago and the same is located 150 metres away from the rail way track. There is a state high way inbetween the petitioner's house and the rail way track. While being so, the on railway Department issued a show cause notice dated 07.12.2020 to the petitioner seeking explanation from the petitioner and requesting the petitioner to appear for personal enquiry to be held on 29.12.2020. However, on the date of enquiry, the petitioner was not allowed into the railway office due to COVID-19 pandemic situation and the eviction order dated 15.09.2021 was passed by the railway department. Aggrieved by the same, the petitioner filed a Writ Petition in W.P.No.23090 of 2021 in which the said eviction order was quashed and a fresh



enquiry was conducted on 15.11.2021 for which the final order is yet to be passed. In the meanwhile, the petitioner made a representation to the respondent herein on 18.11.2021 seeking to provide an alternative accommodation in the event of eviction by the Railway department, however, till date no action has been taken on the same. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondent herein to consider the petitioner's representation dated 18.11.2021 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Additional Government Pleader has no serious objection to the said being passed and the submits that the petitioner's representation will be considered and appropriate orders will be passed in accordance with law within a particular time frame fixed by this Court.

5. In view of the aforesaid submissions, this Court without going into the merits of the issue, directs the respondent to consider the petitioner's representation dated 18.11.2021 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

NHS
To

The District Collector,
Salem,
Salem District

+1cc to Mr. M. Elango, Advocate, S.R.No.66865
+1cc to the Government Pleader, S.R.No.67062

W.P.NO.26640 of 2021

SVI(CO)
CT 21/01/2022