



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD)No.95 of 2021

and W.M.P. (MD)No.99 of 2021

Sakunthala

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Tiruchirappalli District.

2. The Tahsildar,
Office of the Tahsildar,
Thiruverambur Taluk,
Tiruchirappalli District.

3. The Divisional Engineer (H.W.&R.W.)
Divisional Engineer Office,
National Highways Department,
Tiruchirappalli 620 020.

4. The Assistant Divisional Engineer,
Assistant Divisional Engineer Office,
National Highways Department,
Tiruchirappalli 620 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents not to evict the petitioner from her dwelling house situated at Door No.3/293, Maruthi Nagar, MIET Gundoor, Trichy, without following the due process of law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Mu.Muthu,

Additional Government Pleader

ORDER

[Order of the Court was made by **M.M.SUNDRESH, J.**]

The petitioner, claiming to be a Burma repatriate, filed this writ petition to forbear the 4th respondent from proceeding further pursuant to the notice issued asking her as to why she should not be evicted.

2. From the records, it appears that the property, in occupation of the petitioner, is admittedly a Highway. She has put up a hut in the said property and she has been living in the said



property for the past 40 years and she is a Burma repatriate.

3. We cannot go into the said issue in this writ petition as to whether the petitioner is a refugee from Myanmar or not.

4. The learned counsel appearing for the petitioner submitted that some refugees and repatriates have been given alternative accommodations and if the petitioner is given an alternative accommodation, she would certainly move out.

5. Considering the submissions made, we permit the petitioner to give a representation to the first respondent, within a period of four weeks from the date of receipt of a copy of this order. Along with the representation, the petitioner is expected to enclose all the documents to indicate that she was living in Burma prior to entering into this Country. On receipt of the said representation as aforesaid, the first respondent shall pass appropriate orders, in accordance with the prevailing rules, regulations and schemes, within a period of eight weeks thereafter. Till such time, *status quo* shall be maintained.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: 1. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Office of the District Collector,
Tiruchirappalli District.
2. The Tahsildar,
Office of the Tahsildar,
Thiruverambur Taluk,
Tiruchirappalli District.



3. The Divisional Engineer (H.W.&R.W.)
Divisional Engineer Office,
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Tiruchirappalli 620 020.

4. The Assistant Divisional Engineer,
Assistant Divisional Engineer Office,
National Highways Department,
Tiruchirappalli 620 020.

+1 CC to M/s.SPL GP (SR-634[F] dated 08/01/2021)

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-373[F] dated 06/01/2021)

W.P. (MD) No.95 of 2021
06.01.2021

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KB(20.01.2021) 3P 7C