



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.271 of 2020

and W.M.P. (MD) Nos.189 and 190 of 2020

WEB COPY

R.Jeyakumar

... Petitioner

Vs.

The Corporation of Madurai,
Rep. by its Commissioner,
Office of the Corporation of Madurai,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the notice issued by the respondent vide his proceeding in MP/189/001808/2018 dated 31.12.2019 and quash the same and further forbearing the respondent from evicting the petitioner from Sy.No.2, Ansari Nagar 4th Street, Mahaboobpalayam, Madurai.

For Petitioner : Mr.S.Krishnan

For Respondent : Mr.R.Murali

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O R D E R

(Order of the Court was made by T. S. SIVAGNANAM, J.)

Heard Mr.S.Krishnan, learned counsel for the petitioner and Mr.R.Murali, learned Standing Counsel for respondent Corporation.

2.The petitioner challenges the notice issued by the respondent vide his proceeding in MP/189/001808/2018 dated 31.12.2019 and to forbear the respondent from evicting the petitioner from Sy.No.2, Ansari Nagar 4th Street, Mahaboobpalayam, Madurai.

3.The petitioner is admittedly an encroacher, who has been issued with notice of eviction, which is questioned in the Writ Petition stating that the procedure has not been followed and no opportunity was granted.

4.A person, who says that he should be treated fairly should act fairly. An encroacher cannot plead equity. The petitioner now changes his stand and wants sympathy to be exercised since he is a daily wage earner and it is difficult to get occupation and to make both the ends meet.

5.The respondent is generous in dealing with the petitioner and other similarly placed persons as many as 67 and granted allotment



in the project developed by the Tamil Nadu Slum Clearance Board and the Executive Engineer, Tamil Nadu Slum Clearance Board has informed the Corporation that all the encroachers, which includes the petitioner, have been given allotment order.

6.The learned counsel for the petitioner submitted that the place where the allotment has been made is not safe as there are lot of snakes.

7.In every new settlements there will be some problems and it is open for the petitioner to approach the Slum Clearance Board to resolve the same. However, the petitioner cannot dictate the respondent that they should be accommodated in a particular place, because the petitioner is an encroacher and he cannot state that the respondent should act as per his dictates. However, considering the pandemic, which we are going through, the respondent Corporation is directed to inform all the encroachers, including the petitioner, by way of public address system in the locality as well as by the notice fixed in the prominent place that all of them will be given reasonable time to vacate, which can be fixed by the Corporation in consultation with the other parties and the petitioner and others should remove the encroachments and shift to the newly allotted houses. The Slum Clearance Board shall see to it that the petitioner and 67 others are safe and if there are any measures to be adopted in the those area, the same shall be done in accordance with law. Therefore, on the grounds raised by the petitioner, the impugned notice cannot be quashed.

8.The Writ Petition stands disposed of with the above directions and observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: 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.

+1 CC to M/s.R.MURALI, Advocate (SR-21127[F] dated 05/07/2021)

W.P. (MD) No.271 of 2020

02.07.2021