



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15151 of 2021

and

W.M.P. (MD)No.12095 of 2021

Mani

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
St.George Fort,
Chennai.

2.The District Collector,
Dindigul,
Dindigul District.

3.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus to call for the records on the files of the third respondent pertaining to its notice bearing Na.ka.No. 1313/2020/F1, dated 26.07.2021 and to quash the same and consequently directing the respondents to grant alternative site to the petitioner considering the fact that he is residing in the said area for more than 60 years by considering the request of the petitioner, dated 10.08.2021 and not to evict the petitioner till alternative arrangement are made.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.B.Saravanan
Government Advocate
for R.1 and R.2

ORDER

(Order of this Court was made by **M.DURAI SWAMY, J.**)

The petitioner says that the petitioner has been a resident whether by himself or through his predecessors for nearly 60 years



at the same place and challenges the present attempt to evict the petitioner from Government land.

2. Since the petitioner has not been able to demonstrate any modicum of right to be entitled to remain on Government property and the right of the petitioner appears to be no better than an encroacher, no relief can be extended to the petitioner. At the same time, the Government is reminded of its duty to provide shelter for those who do not have any.

3. Since the writ petitioner does not indicate any right to remain at the property in question, the petitioner will have to vacate the same and the notice issued in such regard to the petitioner does not call for any interference. The petitioner should vacate the premises within the next two months to enable the respondents to maintain the sanctity of Government land.

4. It is made clear that the Government's consideration of the petitioner's request for any alternative site will have nothing to do with the petitioner's immediate obligation to take himself away from the Government land that he purports to occupy without any modicum of right.

5. W.P.(MD).No. 15151 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.12095 of 2021 is closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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.



To

1.The Secretary to Government,
Revenue Department,
St.George Fort,
Chennai.

2.The District Collector,
Dindigul,
Dindigul District.

3.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

+1 CC to M/s.GP (SR-27359[F] dated 26/08/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-27443[F] dated
26/08/2021)

**W.P (MD) No.15151 of 2021
25.08.2021**

dj (CO)
TR(02.09.2021) 3P 6C