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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.08.2021
CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.(MD) No. 14926 of 2021
and
W.M.P.(MD).No.11829 of 2021

Sivapackiyam .. 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 under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for the records on the file 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 she 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

ORDER
[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

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

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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. 14926 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.(MD).No.11829 of 2021 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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.

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RD(31.08.2021) 2P 4C

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