



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.18844, 18852 & 18853 of 2021

and

W.M.P(MD)Nos.15664, 15679 & 15680 of 2021

Vellaisamy ... Petitioner in W.P(MD)No.18844/2021

Subbiah ... Petitioner in W.P(MD)No.18852/2021

A.Iyyappan ... Petitioner in W.P(MD)No.18853/2021

Vs.

1.The District Collector,
Tiruchirappalli District,
Trichy.

2.The Divisional Engineer,
Office of the Divisional Engineer (H),
Tiruchirappalli Division,
Trichy.

3.The Additional Divisional Engineer,
Office of the Assistant Divisional Engineer
(Construction and Maintenance),
Manapparai Sub-Division,
Manapparai,
Tiruchirappalli District.

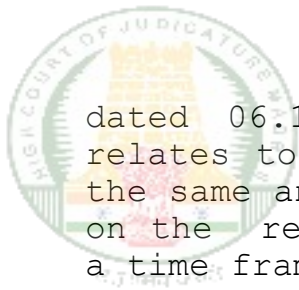
4.The Tahsildar,
Manapparai Taluk,
Tiruchirappalli District.

5.The Superintendent of Police,
Manapparai.

6.I.Bhuvaneshwari ... Respondents in all W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Certiorarified Mandamus, to call for the records relating to the proceedings in Ku.No.5/2021/A2,

<https://hcservices.ecourts.gov.in/hcservices/>



dated 06.10.2021 issued by the third respondent insofar as it relates to the lands of the petitioners are concerned and to quash the same and direct the first respondent to consider and pass orders on the representations of the petitioners, dated 22.07.2021 within a time frame as may be fixed by this Court.

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For Petitioner : Mr.I.Suthakaran
(In all W.Ps')

For RR 1 to 5 : Mr.P.Thilak Kumar
(In all W.Ps') Government Pleader

COMMON ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioners have filed the above Writ Petitions to issue Writs of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent dated 06.10.2021 insofar as it relates to the lands of all the petitioners are concerned and to quash the same and direct the first respondent to consider and pass orders on the representations of the petitioners, dated 22.07.2021 within a time frame.

2.Pursuant to the notices issued under Section 28(2)(ii) of the Tamil Nadu National Highways Act, dated 16.07.2021, the petitioners gave their explanation to the first respondent on 22.07.2021. Thereafter, taking into consideration the explanation given by the petitioners, the third respondent passed the impugned orders dated 06.10.2021 calling upon the petitioners to vacate and hand over the vacant possession of the encroached lands on or before 21.10.2021. Challenging the orders, dated 06.10.2021, the petitioners have filed the above Writ Petitions.

3.On a careful consideration of the materials available on record and the submissions made by the learned counsel appearing on either side, we do not find any error irregularity in the orders passed by the third respondent. The third respondent had passed the impugned orders, taking into consideration the explanation given by the petitioners. In the impugned orders, the third respondent has stated that the petitioners have not established their rights over the land in question by producing any evidence.

4.Since the petitioners have failed to establish their rights over the land in question, we do not find any ground to interfere with the impugned orders.

5.In such view of the matter, the Writ Petitions are liable to be dismissed. Accordingly, the same are dismissed.



6.The learned counsel appearing for the petitioners submitted that in view of the forthcoming Deepavali festival, the petitioners may be granted time till 12.11.2021 to vacate and hand over the vacant possession of the lands in question. The learned counsel further submitted that the petitioners have filed civil suits in O.S.Nos.154, 156 and 157 of 2021 on the file of the District Munsif, Manapparai and the same are pending.

7.Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 5 fairly agreed for the request made by the learned counsel for the petitioners.

8.In view of the submissions made by the learned counsel on either side, we grant time till 12.11.2021 to the petitioners to vacate and hand over the vacant possession of the lands in question. In the event of the petitioners not vacating the lands in question, it is open to the third respondent to evict the petitioners from the lands in question. We also make it clear that it is open to the petitioners to prosecute the pending suits before the trial Court in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

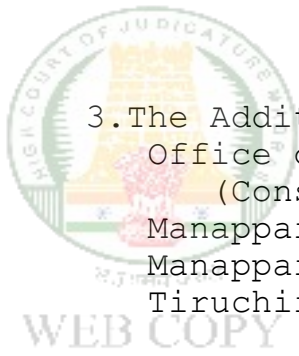
ps

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 District Collector,
Tiruchirappalli District,
Trichy.

2.The Divisional Engineer,
Office of the Divisional Engineer (H),
Tiruchirappalli Division,
Trichy.



3.The Additional Divisional Engineer,
Office of the Assistant Divisional Engineer
(Construction and Maintenance),
Manapparai Sub-Division,
Manapparai,
Tiruchirappalli District.

4.The Tahsildar,
Manapparai Taluk,
Tiruchirappalli District.

5.The Superintendent of Police,
Manapparai.

+1 CC to M/s.SPL.GP (SR-32235[F] dated 22/10/2021)

+3 CC to M/s.I.SUTHAKARAN, Advocate (SR-32183[F] dated 21/10/2021)

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21.10.2021

RD/JC (01.11.2021) 4P 10C