



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.7659 and 7663 of 2022

W.P.No.7659 of 2022:

Erode Erode Sarvodaya Sangh,
rep. by its Secretary Murugesan,
West Main Road,
Mettur Dam - 1,
Salem District.

.. Petitioner

Vs

The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.

.. Respondent

W.P.No.7663 of 2022:

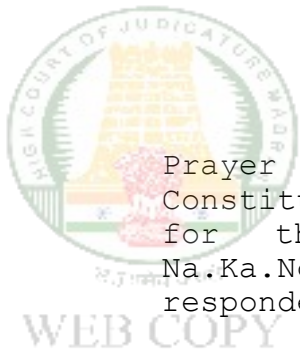
1.K.Sundarraaj
2.Srinivasan
3.Eswaran
4.Jayamani
5.Umadevi
6.Mohan
7.Vidhya
8.Karupannan
9.Venkateshwaran
10.Navamani
11.Chandiran

.. Petitioners

Vs

The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.

.. Respondent



Prayer : W.P.No.7659 of 2022 filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records relating to the eviction notice in Na.Ka.No.1914/2019/F1, dated 25.02.2022 on the file of the respondent and quash the same.

W.P.No.7663 of 2022 filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records relating to the eviction notice in Na.Ka.No.81/2022/F1, dated 25.02.2022 on the file of the respondent and quash the same.

For the Petitioners : Mr.S.Doraiswamy

For the Respondent : Mr.L.P.Maurya
Standing Counsel

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

These writ petitions have been filed to challenge the notices dated 25.02.2022 issued by the respondent. It is mainly on the ground that despite lease granted in favour of the petitioners, the respondent has issued eviction notices to remove the encroachments.

2. Learned counsel for the respondent submitted that as far as lease area is concerned, no action would be taken by them. Rather, it is up to the Municipality to extend or not to extend the lease in favour of the petitioners. The action taken by the respondent is limited to the encroached area affecting the movement of the traffic. The action is not in isolation against the petitioners, but against all the encroachers on the road side. Thus, while maintaining the lease area of the petitioners, the encroached area alone would be cleared.

3. Learned counsel for the petitioners submitted that if the action is taken, it should only be against the encroached area and thus Court may pass an order to protect the lease area of the petitioners and action for removal of the encroachments should be taken against all without discrimination.

4. In view of the statement aforesaid and as stated by learned counsel for the respondent, an interference in the notices under challenge is not warranted. Accordingly, the writ petition is disposed of with a direction to the respondent that while removing the encroachments, they would protect the lease area given to the petitioners till the period of lease is



extended and the action would be taken only in respect of the encroached area against all without causing any discrimination. It is made clear that if petitioners are not having any lease in their favour, then this order to protect the lease area till the lease is extended would not apply to such petitioners. There will be no order as to costs. Consequently, W.M.P.Nos.7660, 7665 and 7666 of 2022 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.

+2cc to Mr.S.Doraiswamy, Advocate, S.R.No.27131,27132
+2cc to Mr.L.P.Maurya, Advocate, S.R.No.27178

W.P.Nos.7659 and 7663 of 2022

SR(CO)
CT 27/04/2022