



WEB COPY



W.P.No.26927 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2022

CORAM:

THE HON'BLE MR. JUSTICE C. SARAVANAN

W.P.No.26927 of 2022
and
W.M.P No.26132 of 2022

Mr.P.Viswanathan

...Petitioner

VS.

1.The District Collector,
Collectorate, Vengikal,
Tiruvannamalai - 606 604
Tiruvannamalai District.

2.The Block Development Officer (Va.woo),
Kilpennathur - 604 601
Tiruvannamalai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the eviction order passed by the 2nd respondent in Na.Ka.Va.4/2935/2021 dated 11.05.2022 and quash the same.

For petitioner	: Mr.L.P.Shanmugasundaram
For respondents	: Mr.T.K.Saravanan
	: Government Advocate - R1
	: Mrs.C.Meera Arumugam
	Additional Government Pleader - R2



W.P.No.26927 of 2022

WEB COPY

ORDER

Mr.T.K.Saravanan, learned Government Advocate takes notice on behalf of the first respondent and Mrs.C.Meera Arumugam, learned Additional Government Pleader takes notice on behalf of the second respondent.

2. The petitioner has challenged the impugned order of the second respondent dated 11.05.2022 bearing Ref. No.Na.Ka.Va.4/2935/2021. The petitioner has been asked to vacate the area occupied by him where the petitioner has put up a small Aavin booth for vending Aavin milk and Aavin products.

3. It is the specific case of the petitioner that the Panchayat, Tahsildar and the Block Development Officer have given necessary permission and no objection certificate for putting up the bunk shop/ shop during November 2020 and now the respondents have issued eviction notice stating that they are executing the project under MGNREGS sanctioned by the Central Government.



W.P.No.26927 of 2022

4. It is submitted that the impugned exercise is a colourable exercise of power merely because the petitioner had obtained permission during the previous regime and in view of the change in the regime the petitioner is being asked to vacate the premises.

5. The writ petition was opposed by the learned Counsel for the second respondent stating that the petitioner cannot have any lien over the area merely because earlier the Panchayat had given the permission or No Objection Certificate was given by the Tahsildar and the Block Development Officer in 2020 as the land is required for development based on the funds sanctioned by the Central Government under the MGNREGS scheme. That apart, it is submitted that petitioner has filed this writ petition long after the impugned order dated 11.05.2022 bearing reference in Na.Ka.Va.4/2935/2021 was issued to the petitioner.

6. It is further submitted that petitioner has been regularly approaching the second respondent and seeking time.

7. I have heard the arguments advanced by the learned Counsel for



W.P.No.26927 of 2022

the petitioner and the respondents. The attempt of the respondents to oust the petitioner amounts to attempt to deny the petitioner's right to livelihood which is protected under Article 19 1 (g) of the Constitution of India.

8. While the deployment and usage of funds under the MGNREGS scheme for developing the market area is necessary, the respondents are also responsible for rehabilitating the persons which were likely to be affected by such development , till such development is completed.

9. Considering the above, this Court is inclined to dispose this writ petition by directing the respondents to provide an alternate accommodation to the petitioner before asking the petitioner to vacate the same premises.

10. The Writ Petition stands disposed with the above observations.
No Costs. Connected writ miscellaneous petition is also closed.

06.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2/nst



WEB COPY



W.P.No.26927 of 2022

C. SARAVANAN, J.

nst

To

1.The District Collector,
Collectorate, Vengikal,
Tiruvannamalai - 606 604
Tiruvannamalai District.

2.The Block Development Officer (Va.woo),
Kilpennathur - 604 601
Tiruvannamalai District.

W.P.No.26927 of 2022
and
W.M.P No.26132 of 2022

06.10.2022