



W.P(MD)No.13044 of 2010

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13044 of 2010

and

M.P(MD)No.1 of 2010 &
W.M.P(MD)No.1106 of 2017

S.Gunaseelan

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Commissioner,
Corporation of Tirunelveli,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 not to evict the petitioner from the premises in Survey No. 299/A, 299/B, measuring 35 cents, Karunathadaiyarpuram village, Kokkirakulam, Palayamkottai Taluk, Tirunelveli District without following any due process of law.

For Petitioner : Mr.D.Selvanayagam



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For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader
for R.1

Mr.Aayiram K.Selvakumar for R.2

ORDER

Heard the learned counsel on either side.

2. The petitioner is carrying on agricultural operations in the petition mentioned survey numbers. It is said to be a part of Thamirabarani River bed. The petitioner has planted some trees and is eking out his livelihood by taking the usufructs. Apprehending eviction, the present writ petition came to be filed.

3. The prayer in this writ petition is that the petitioner should not be evicted except by following due process of law. The petitioner gives an undertaking before this Court that he will not put up any other developmental activities. In other words, he will not put up any construction. He will only maintain the trees and plant some vegetables and he will not indulge in any other acts.

4. The petitioner is in possession and the respondents will have to necessarily follow due process of law. The petitioner cannot be arbitrarily or summarily thrown out.



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5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector,
Tirunelveli District.
- 2.The Commissioner,
Corporation of Tirunelveli,
Tirunelveli.



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G.R.SWAMINATHAN, J.

MGA

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