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**W.P.(MD) No.10082 of 2013**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.10.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
and  
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.10082 of 2013**

**and**

**M.P.(MD) No.2 of 2013**

- 1.L.Ramasamy
- 2.Soundaravalli
- 3.Panchavarnam
- 4.Kannaiyan
- 5.Rajam
- 6.K.Muniyandi
- 7.Vellaisamy
- 8.S.Sakthivel
- 9.Petchiammal
- 10.Kamalam
- 11.Kaliammal
- 12.M.Raju



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13.P.Manoharan

14.Kasthuri

15.Srinivasan

16.Ramalingam

17.Kunjammal

18.Vijayalakshmi

19.Selvaraj

... Petitioners

-vs-

1.The District Collector  
Trichirappalli District  
Trichirappalli

2.The Commissioner  
City Municipal Corporation  
Trichy District, Trichy

3.Trichirappalli Kongu Nanbargal Education Trust  
rep.by its Managing Trustee  
R.Devarajan  
Kongu Illam, No.4, Salai Nagar Colony  
Woraiyur, Trichy-3

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned orders dated 27.05.2013 made in Na.Ka.No.F1/4796/2013 (Ko.Abi) passed by the second respondent and quash the same and consequently direct the respondents 1 & 2 provided the alternative site to the petitioners.



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For Petitioners : Mr.P.Arun Jayatram  
For Respondents : Mr.N.Satheesh Kumar  
Additional Government Pleader for R1  
Mr.R.Baskaran  
for M/s.R.B.Law Associates  
Standing Counsel for R2  
Mr.R.Devaraj for R3

**ORDER**

**[Order of the Court was made by S.M.SUBRAMANIAM, J.]**

The notice, dated 27.05.2013, issued by the second respondent, under Section 258 of the Tiruchirappalli City Municipal Corporation Act, 1994 is under challenge in this writ petition.

**2.** It is not in dispute that the subject property has been classified as “Thituthanthoni Salai” *i.e.* Street.

**3.** Earlier, a writ petition in W.P.No.1721 of 2006 was filed by the third respondent / Thiruchirappalli Kongu Nanbarkal Educational Trust, represented by its Managing Trustee R.Devarajan seeking a direction to the Commissioner, City Municipal Corporation, Trichy, to construct a drainage



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channel in the land and road belonging to Trichy Corporation in T.S.No.5, Konakarai Road, Woraiyur, Trichy District, without any hindrance to the Educational Trust to construct a School. The said writ petition was disposed of by this Court by order dated 28.02.2006. The relevant portion of the said order is extracted hereunder:

*7.In this view of the matter, the first respondent is directed to construct the drainage channel in the land and road belonging to the first respondent by removing the open drainage, which is running on the property of the petitioner. In effecting the same, if the first respondent feels that encroachers have encroached upon the property belonging to the first respondent – Corporation, it is the responsibility of the first respondent – Corporation to remove the encroachments for the purpose of completing the work. The said work shall be completed within a period of three months from the date of receipt of a copy of this order.”*

Pursuant to the above directions issued by this Court, the impugned notice has been issued.

**4.** Learned counsel for the petitioners mainly contended that the petitioners are homeless poor people and therefore, they must be provided



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with alternate accommodation. That apart, the Street in question is not used by the public and therefore, eviction of the petitioners herein from the subject land is unnecessary.

**5.** Learned Standing Counsel appearing for the second respondent – Corporation made a submission that the subject land is a Street Poramboke and on account of encroachments by the petitioners, the authorities concerned are struggling to maintain free flow of traffic in that locality. Hence, removal of encroachments is imminent in the public interest. Action was initiated for removal of encroachments based on the directions issued by this Court on 28.02.2006 in W.P.No.1721 of 2006 and challenging the same, the present writ petition was filed in the year 2013 and it was kept pending for the past ten years. Thus, the present writ petition is to be rejected.

**6.** We are of the considered opinion that the petitioners have not made out any ground for purpose of interfering with the impugned notice issued by the second respondent. The petitioners are encroachers and if at all they are homeless poor people, they are at liberty to submit applications before the District Collector for alternate accommodation under any of the



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Government welfare schemes in force. However, the encroachments are made in a Street Poramboke and hence, the same are to be removed, without any undue delay and free pathway is to be ensured for the benefit of the road users and the residents of that locality.

**7.** The official respondents are directed to complete the eviction process within a period of twelve weeks from today.

**8.** With the above directions, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[S.M.S., J.]**

**[V.L.N., J.]**

**30.10.2023**

(1/2)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The District Collector,  
Trichirappalli District,  
Trichirappalli.



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**and**  
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