



W.P(MD)No.6812 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2023

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.6812 of 2023
and
W.M.P(MD)No.6371 of 2023**

Jothilingam

:Petitioner

.vs.

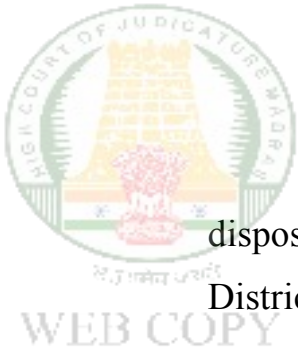
1.The General Manager, (Administration),
SIDCO Registered Office,
New SIDCO Corporate office,
Thiru.V.Ka.Industrial Estate,
Guindy,
Chennai-600 032.

2.The Branch Manager,
SIDCO Industrial Estate,
K.Pudur, Madurai,
Madurai District.

3.V.Rajan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order vide ந.க.எண். 345/அ3/2022 passed by the second respondent and quash the same as illegal and further direct him not to take any further course of action till



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disposal of suit in O.S.No.314 of 2022 on the file of the Additional District Munsif Court, Thirumangalam, Madurai District.

For Petitioner :Mr.T.Indrachithu
For R1 & R2 :Mr.T.Sakthikumaran

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Challenge is to the order, dated 17.03.2023 issued by the Branch Manager, SIDCO, Madurai directing the removal of the encroachment alleged to have been made by the petitioner over the land in Town Survey No.86/1 of Thirumangalam Village forming part of the SIDCO Industrial Estate.

2. Claiming that there are certain encroachments in a waterbody, a writ petition came to be filed in this Court in W.P.(MD)No.1912 of 2021. This Court directed the removal of encroachment by following the procedure established by law. There upon, on enquiry, it was found that the land in question actually belonged to the SIDCO. Based on the opinion of the Government Pleader, dated 15.02.2023, the SIDCO took action to evict the petitioner. Certain notices that were issued were also



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relied upon. Eventually, the Branch Manager, SIDCO, Madurai passed the impugned order directing the petitioner to vacate by 28.03.2023, failing which, the petitioner will be evicted through the Revenue Inspector and other police officials.

3. Heard Mr.T.Indrachithu, learned counsel appearing for the petitioner and Mr.T.Sakthikumaran, learned counsel appearing for the respondents 1 & 2.

4. When the quizzed about the power under which the impugned order has been passed, the learned counsel appearing for the SIDCO would submit that the premises belonging to the corporation are treated as public premises as defined under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975.

5. The provisions of the said Act requires a show cause notice to be issued under Section 4 in Form-A followed by an order for eviction under Section 5. Section 9 provides for an appeal against the order passed under Section 5. Section 10 provides the finality to the orders passed by the appellate authority under the Act.



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6. From the above, it could be seen that there is a separate procedure contemplated under the said enactment for eviction of unauthorised occupants.

7. A reading of the order impugned in the writ petition shows that none of those provisions were followed and though show cause notice appears to have been issued to the petitioner, the same has not been issued under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975. Hence, the impugned proceeding is liable to the set aside and accordingly, it is set aside.

8. The writ petition is allowed. It is open to the SIDCO to take appropriate action as prescribed under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975, if it is so advised. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M.,J.] & [L.V.G.,J.]
27.03.2023

Index:Yes/No
Internet:Yes/No
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R.SUBRAMANIAN, J.
AND
L.VICTORIA GOWRI, J.

am

ORDER MADE IN
W.P(MD)No.6812 of 2023

27.03.2023