



W.P.(MD)No.19771, 19790 and 19856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)Nos.19771, 19790 and 19856 of 2023

and

W.M.P(MD)Nos.16321, 16341 & 16393 of 2023

W.P(MD)No.19771 of 2023

R.Muthusamy

... Petitioner

Vs.

- 1.The Station Commandant,
Station Headquarters,
Indian Army,
Garuda Lines,
Trichy-620 001.
- 2.The District Collector,
Collectorate Building,
Trichy District.
- 3.The Commissioner,
Trichy Municipal Corporation,
Trichy.
- 4.The Tahsildar,
Trichy West Taluk,
Trichy.



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5. The Assistant Director,
Survey and Land Records Department,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned proceedings in N/4/1/Muthusamy/MC issued by the Court of the Estate Officer, Defence Estates, Madras Circle, dated 23.06.2023 and 25.07.2023 and quash the same as devoid of merits consequently directing the respondents not to disturb the petitioner's possession and enjoyment in Town Survey No.06/5 in Patta No.1325 in Property Tax Assessment No.086-042-02508, Old Door No.45, New Door No.35 in Corporation Ward No.60 at Anna Nagar, Opposite to Simco Meter, Sathanur Road, Trichy, till the disposal of the suit in O.S.No.78/2020 on the file of the District Munsif Court, Trichirappalli, within the period as stipulated by this Court.

W.P(MD)No.19790 of 2023

S.Kamalam

... Petitioner

Vs.

1. The Station Commandant,
Station Headquarters,
Indian Army,
Garuda Lines,
Trichy-620 001.

2. The District Collector,



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Collectorate Building,
Trichy District.

3.The Commissioner,
Trichy Municipal Corporation,
Trichy.

4.The Tahsildar,
Trichy West Taluk,
Trichy.

5.The Assistant Director,
Survey and Land Records Department,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned proceedings in N/4/1/Kamalam/MC issued by the Court of the Estate Officer, Defence Estates, Madras Circle, dated 23.06.2023 and 25.07.2023 and quash the same as devoid of merits consequently directing the respondents not to disturb the petitioner's possession and enjoyment in Town Survey No.6/12 in Patta No.1321 in Property Tax Assessment No.086-042-02539, Old Door No.36, New Door No.28 in Corporation Ward No.60 at Anna Nagar, Opposite to Simco Meter, Sathanur Road, Trichy, till the disposal of the suit in O.S.No.73/2020 on the file of the District Munsif Court, Trichirappalli, within the period as stipulated by this Court.



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W.P.(MD)No.19856 of 2023

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V.Radhakrishnan

... Petitioner

Vs.

1.The Station Commandant,
Station Headquarters,
Indian Army,
Garuda Lines,
Trichy-620 001.

2.The District Collector,
Collectorate Building,
Trichy District.

3.The Commissioner,
Trichy Municipal Corporation,
Trichy.

4.The Tahsildar,
Trichy West Taluk,
Trichy.

5.The Assistant Director,
Survey and Land Records Department,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned proceedings in N/4/1/Radhakrishnan/MC issued by the Court of the Estate Officer, Defence Estates, Madras Circle, dated 23.06.2023 and 25.07.2023 and quash the same as devoid of merits consequently directing the respondents not to disturb the petitioner's possession and



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enjoyment in Town Survey No.6/9 in Patta No.1323 in Property Tax Assessment No.086-042-000135, Old Door No.40, New Door No.31 in Corporation Ward No.60 at Anna Nagar, Opposite to Simco Meter, Sathanur Road, Trichy, till the disposal of the suit in O.S.No.678/2019 on the file of the District Munsif Court, Trichirappalli, within the period as stipulated by this Court.

For Petitioners	:Mr.A.Haja Mohideen
For R1	:Mr.K.Govindarajan Deputy Solicitor General of India Assisted by Mr.S.Ponsenthilkumaran Central Government Standing Counsel
For R3	: Mr.R.Baskaran Senior Counsel for Mr.R.B.Law Associates
For R2, R4 & R5	:Mr.M.Lingadurai Special Government Pleader Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

With the consent of both sides, these writ petitions are taken up for final hearing at the admission stage itself.



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2. All the three writ petitions are filed challenging the communications dated 23.06.2023 and 25.07.2023 that was issued to the petitioners by the Estate Officer, who has issued notices for removal of encroachment under Sub-Section (1) of Clause (b)(ii) of Sub-Section (2) of Section 4 of the Public Premises (Eviction of Un-authorised Occupants) Act, 1971. The impugned communication shows that hearing of the case as against the respective writ petitioners is fixed on 11.08.2023. The fact that the proceedings had been initiated earlier is not in issue. During middle of the enquiry, the petitioners have approached this Court on the ground that their possession and enjoyment is not determined pursuant to proper survey.

3. This Court is unable to accept the submission of the learned counsel for the petitioners for the simple reason that the petitioners have not produced any document of title or records to show that the petitioners are absolute owners of the property. The petitioners in the respective writ petitions filed a suit, however, none of the petitioners have prayed for declaration of title and their prayer is only injunction. Such a prayer is barred under the provision of the Public Premises (Eviction of Un-



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Authorised Occupants), Act, 1971.

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4. Having regard to the fact that the proceedings are initiated, this Court is not inclined to entertain these writ petitions by stalling the proceedings at this stage. Therefore, it is open to the petitioners to raise their objections, if any, before the Estate Officer concerned, who shall pass appropriate orders on the objections of the petitioners. In case, if any adverse order is passed, it is open to the petitioners to file an appeal. Liberty reserves to the petitioners in the above manner.

5. Accordingly, all the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

[S.S.S.R., J.] [D.B.C., J.]
16.08.2023

Index : Yes / No

NCC : Yes/No

am



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