



W.P(MD)Nos.1683 & 3103 of 2015

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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)Nos.1683 & 3103 of 2015

and

M.P(MD)Nos.1 & 1 of 2015

W.P(MD)No.1683 of 2015:

L.Arulananda George

... Petitioner

Vs

1.The District Collector,
Collectorate Buildings,
Tirunelveli.

2.The Tirunelveli Corporation,
Represented by its Commissioner,
Tirunelveli.

3.The Tahsildar,
Palayamkottai Taluk,
O/o.Tahsildar Palayamkottai,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from evicting the petitioner from running country brick manufacturing unit in the land extent



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of 10 cents situated at S.No.18, Karuppanthurai Vilakku, Palayamkottai Taluk,
Tirunelveli District without following due process of law.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader
for R.1 & R.3

Mr.Aayiram K.Selvakumar for R.2

W.P(MD)No.3103 of 2015:

L.Arulananda George

... Petitioner

Vs

- 1.The Superintending Engineer,
Highways Department,
A.R.Line,
Palayamkottai,
Tirunelveli District.
- 2.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
A.R.Line,
Palayamkottai,
Tirunelveli District.
- 3.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
A.R.Line,
Palayamkottai,
Tirunelveli District.



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4.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
A.R.Line, Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from evicting the petitioner from running country brick manufacturing unit in the land extent of 10 cents situated at S.No.18, Karuppanthurai Vilakku, Palayamkottai Taluk, Tirunelveli District without following due process of law.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2. The petitioner is running Country Brick Manufacturing Unit in the petition mentioned survey number. The only relief sought for by the petitioner is that he should not be dispossessed except by due process of law. This Court had granted interim injunction on 11.02.2015. While granting injunction the learned Judge specifically observed that this order will not prevent the authorities from issuing proper notice and taking necessary action in accordance with law. This interim order was extended from time to time. I fail



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to understand why such an order sought to be vacated. In any event, for till date the petitioner is in possession of the property.

3. I wanted to know from the petitioner if the petitioner has title over the land in question. Except asserting that the petitioner has been in possession of the land for quite a long time, no other submission has been made. The materials enclosed in the typed set of papers do not point to the petitioner's right over the land in question. In the written instructions given by the Tahsildar it has been mentioned that the land has been classified as “Sarkar Poramboke Road”. It is located on the banks of Tamirabarani River. The petitioner is said to be running brick manufacturing unit without getting any permission.

4. In these circumstances, nothing stops the respondents from evicting the petitioner herein. Of course, the respondents need to issue notice before evicting the petitioner. These writ petitions are dismissed 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



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To

1. The District Collector,
Collectorate Buildings,
Tirunelveli.
2. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
3. The Tahsildar,
Palayamkottai Taluk,
O/o. Tahsildar Palayamkottai,
Tirunelveli.
4. The Superintending Engineer,
Highways Department,
A.R.Line, Palayamkottai,
Tirunelveli District.
5. The Divisional Engineer,
Highways Department,
Construction and Maintenance,
A.R.Line, Palayamkottai,
Tirunelveli District.
6. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
A.R.Line, Palayamkottai,
Tirunelveli District.
7. The Assistant Engineer,
Highways Department,
Construction and Maintenance,
A.R.Line, Palayamkottai,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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