



W.P.No.7006 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7006 of 2021 and
W.M.P.No.7553 of 2021

1. N.Maharajan
2. G.Venkatesan
3. R.Shanthamoorthy
4. P.Shanmugasundaram
5. K.Vijaya
6. R.M.Jayaraman
7. R.Usharani
8. N.Arumugam
9. Sathyanarayanan
10. S.Elaiyaraja
11. Panjalai
12. B.Desinguraja
13. S.Pon Gnana Prabhakaran
14. E.Mehaseena
15. R.Arunachalam
16. T.Gnansekar
17. M.Muniraju
18. M.Narasiman
19. J.Rani Chinnathambi
20. C.Nagamani
21. O.A.Sunitha Bai
22. Subramanian Alagan
23. P.Kamala
24. J.Padmavathi
25. N.Savethri
26. Parasuraman
27. T.Ravi Chandran

... Petitioners

Vs.



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1. The Senior Section Engineer (Works),
South Western Railway,
Dharmapuri-636 705.

2. The Divisional Manager,
South Western Railway,
Dharmapuri-636 705.

3. The Commissioner,
Hosur Municipality,
Hosur - 635 109.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in proceedings No.Nil, Eviction Notice dated 12.01.2021 and to quash the same as illegal, incompetent and without jurisdiction and to further forbear the respondents from interfering with the petitioner's property in Survey Nos.91/B1, 91/B2, 91/B1B, 80/B, 80/D, 66/B1 and 93/C2.

For Petitioners : Mr.Sunny Sheed
for
M/s.V.Srimathi

For Respondents 1 & 2 : Mr.V.Chandrasekaran
Standing Counsel

For Respondent 3 : Mr.N.Subbarayalu

ORDER



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This writ petition has been filed challenging the order passed by the first respondent dated 12.01.2021 thereby directed the petitioner to remove any construction made in the subject property belongs to Hosur Railway Station, failing which the entire construction will be removed.

2. All the petitioners had constructed their respective houses situated at the rear side of the Hosur Railway Station. According to the petitioners, those lands are their patta land and they have been in possession and enjoyment of the same for the past two decades. While being so, the respondents 1 and 2 intend to construct a boundary wall segregating their lands from the rest. None of the petitioners have any objection. However, boundary lines were drawn up and including the property of the petitioners. Therefore, petitioners submitted various representations and the same were not considered properly. Though, they were issued notice dated 21.09.2016 as such they are encroachers. Therefore, one resident comprised in S.No.68A/2B filed writ petition before this Court in W.P.No.37017 of 2016 and this Court passed order dated 08.11.2016 thereby directed the 2nd respondent to give notice to the petitioner along with the details regarding the alleged encroachment said to have been made by the petitioner on the railway land and proceed further in accordance with law. Till proceedings are initiated and concluded by the 2nd respondent,



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status quo, as on date, shall be maintained by both parties.

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3. On perusal of the impugned notice dated 12.01.2021 revealed that on the basis of notice dated 10.03.2016, the petitioners are directed remove the construction put up by them. This Court passed order in W.P.No.37017 of 2016 dated 08.11.2016, the respondents 1 and 2 failed to comply the direction issued by this Court and without complying the same the respondent mechanically issued order impugned in this writ petition dated 12.01.2021 thereby directed the petitioners to remove the construction put up by them in their respective land.

4. Therefore, the order impugned cannot be sustained and liable to be quashed. Accordingly, the impugned notice dated 12.01.2021 issued by the 1st respondent is quashed. The respondents 1 and 2 are at liberty to issue fresh notice to the petitioner and after giving opportunity of hearing to the petitioner, measure the railway land as per the revenue records and proceed to remove the encroachments if any in accordance with law.

5. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.



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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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To

1. The Senior Section Engineer (Works),
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Dharmapuri-636 705.

2. The Divisional Manager,
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3. The Commissioner,
Hosur Municipality,
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G.K.ILANTHIRAIYAN, J.
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