



W.P.No.21573



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.21573 of 2019

and

W.M.P.No.20773 of 2019

S.Sivapragasam

... Petitioner

Vs.

1. The Deputy Collector (Revenue) (North) cum Estate Officer,
Puducherry.

2. The Secretary,
Puducherry Housing Board, Puducherry.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order dated 11.06.2019 of the 1st respondent herein served on the petitioner's premises on 16.07.2019 in Form AA1, quash the same.

For Petitioner : Mr.A.R.Karthik Lakshmanan
For R1 : Mrs.Sharada Vivek,
Additional Government Pleader (Puducherry)
For R2 : Mr.T.M.Naveen

ORDER

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

The order under Sub-Section (2) of Section 5-A of the Tamil Nadu Public



Premises (Eviction of Unauthorized Occupants) Act, 1971 is under challenge in the present Writ Petition.

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2. The father of the writ petitioner was employed in Pondicherry Housing Board. He was in occupation of the subject land with the permission of the Board authorities. After his death, the writ petitioner, who is the son of the deceased employee is in occupation. The writ petitioner claims to be a lessee in the said land admittedly belongs to the Pondicherry Housing Board. However, the writ petitioner could not able to establish that he is a lessee nor produced any document to establish the same.

3. The learned counsel for the respondent would oppose the said contention by stating that the deceased father of the writ petitioner was not a lessee. He was in unauthorized occupation of the portion of the Pondicherry Housing Board's land and was enjoying the same. After his death, the writ petitioner, who is the son of the deceased employee is not entitled to continue in the said portion of the land and therefore, he was construed as an unauthorized occupant. Consequently, action was initiated.

4. In the absence of any documents to establish that the father of the writ petitioner was a lessee, the relief as such sought for in the present Writ Petition



deserves no merit consideration. Thus, we do not find any infirmity in respect of the order impugned passed under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

5. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
22.02.2024

skr

Index : Yes

Speaking order

To

1. The Deputy Collector (Revenue) (North) cum Estate Officer,
Puducherry.
2. The Secretary,
Puducherry Housing Board, Puducherry.



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S.M.SUBRAMANIAM, J.
and
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