



W.P.(MD) No.282 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.282 of 2024
and
W.M.P.(MD) No.289 of 2024**

1. Mani
2. Kandasamy
3. Sabibula
4. Hussain
5. Uthayakumar

... Petitioners

-VS-

1. The District Collector,
Trichy District,
Trichy.
2. The Superintending Engineer,
Construction and Maintenance of High Ways,
Trichy District,
Trichy.
3. The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways,
Manapparai,
Trichy District.
4. The Assistant Engineer,



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(Construction and Maintenance),
Highways,
Manapparai,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus forbearing the 2 to 4 Respondents evicting the petitioners from their houses situated at Boothanayagi Amman Kovil Street, Vengitanayakkanpatti Road, Thuvarankurichi, Marungapuri Taluk, Trichy District without following any due process of law on the basis of their representation dated 22.12.2023 consequently directing the 1st Respondent to consider their representation relating to issuance of Patta to our houses.

For Petitioners	:	Mr.T.Vadivelan
For R1,R3 & R4	:	Mr.S.P.Maharajan Special Government Advocate
For R2	:	Mr.R.Meenakshi Sundaram Additional Public Prosecutor

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The matter is taken up for final disposal by consent of both parties.



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2. This Writ Petition has been filed by the petitioner for issuance of writ of Mandamus forbearing the respondents 2 to 4 from evicting them from their houses situated at Boothanayagi Amman Kovil Street, Vengitanayakkanpatti Road, Thuvarankurichi, Marungapuri Taluk, Trichy District without following any due process of law on the basis of their representation dated 22.12.2023 and for a consequential direction to the 1st respondent to consider their representation relating to issuance of patta to their houses.

3. The learned Special Government Pleader appearing for the respondents 1, 3 and 4 has fairly conceded before this Court that the respondent Department has already served notice to the petitioners. The said notice has not been disclosed in the present Writ Petition.

4. However, according to the learned Special Government Pleader, taking into consideration of the fact that earlier notice does not find any details and particulars of the property, fresh notice will be issued to the petitioners and decision will be taken as contemplated under the Act and Rules.



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5. The submission of the learned Special Government Pleader is recorded.

6. The respondents shall issue fresh notice to the petitioner containing the details and particulars of the property and initiate eviction process by following the procedures as contemplated under the Act.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

08.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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Trichy.
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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