



W.P.(MD) No.44 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM:

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

**W.P.(MD) No.44 of 2024
and W.M.P.(MD) No.37 of 2024**

Azhagumani

... Petitioner

-VS-

1.The District Collector,
Collector Office,
Trichirapalli.

2.The Tahsildar,
Taluk Office,
Marungapuri Taluk,
Trichirapalli District.

3.The Superintending Engineer,
Highways (Construction and Maintenance),
Trichirapalli – 620 020.

4.Assistant Divisional Engineer,
Assistant Divisional Engineer Office,
Highways (Construction and Maintenance),
Manapparai,
Trichirappalli District.

... Respondents



W.P.(MD) No.44 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbear the 4th respondent from the demolishing of the poor Scheduled Caste people Houses of Athupatti until the alternative accommodation is provided as per the petition of the petitioner dated 20.11.2023.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

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

The prayer in this writ petition is for issuance of a Writ of Mandamus, forbearing the 4th respondent from demolishing the poor Scheduled Caste people Houses of Athupatti until alternative accommodation is provided as per the petition of the petitioner dated 20.11.2023.

2. According to the petitioner, about 50 families of Schedule Caste people are living in Athupatti for a period of more than 50 years and they are having residential houses with electricity connections, Rational Card, Aadhar Card Voter ID and they are paying house tax for their houses. Further, it is submitted that they have constructed houses in the Natham Poramboke land. While so, the fourth respondent has issued notice to the said poor people of



W.P.(MD) No.44 of 2024

Athupatti to vacate their houses. Therefore, the petitioner being a ward member of that locality has filed the Writ Petition.

3. Learned Special Government Pleader would submit that the petitioner has no *locus standi* to file the Writ Petition. On instructions, he would submit that in the 'A' Register, the properties in S.Nos.83 and 84, Athupatti is classified as road and therefore, the contention of the petitioner that the land in question is natham poramboke is not correct. He would also submit that the respondents have served only notices on the encroachers and so far no eviction process has been taken.

4. When such being the case, if the said land is classified as road, certainly the encroachers have no legal right to continue their possession. In view of the submissions made by the learned Government Pleader that so far no eviction process has been taken, at this stage, we are not inclined to go into the merits of the case. If any steps are taken for removal of encroachments, it shall be carried out in accordance law and it is for the persons aggrieved, to submit their objections and work out their remedies in the manner known to law.



W.P.(MD) No.44 of 2024

WEB COPY

5. The Writ Petition stands dismissed with the above observations.

No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
03.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The District Collector,
Collector Office,
Trichirapalli.
- 2.The Tahsildar,
Taluk Office,
Marungapuri Taluk,
Trichirapalli District.
- 3.The Superintending Engineer,
Highways (Construction and Maintenance),
Trichirapalli – 620 020.
- 4.The Assistant Divisional Engineer,
Assistant Divisional Engineer Office,
Highways (Construction and Maintenance),
Manapparai,
Trichirappalli District.



WEB COPY



W.P.(MD) No.44 of 2024

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

SJ

W.P.(MD) No.44 of 2024

03.01.2024

Page 5 of 5