



WP(MD). No.31587 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 27/12/2024

CORAM

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR. JUSTICE M.JOTHI RAMAN**

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and WMP(MD) No.26450 of 2024**

1. Susila,
2. Ramesh,
3. Kaveri,
4. Uma Maheswari,
5. Sankar,
6. Savithri,
7. Swaminathan,
8. Alamelu,
9. Sumathi,
10. Muthukumaran,
11. Swaminathan,
12. Karupaiyan,



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13. Govindarajan,

14. Ganesan,

15. Balasubramaniyan,

... Petitioners

Vs

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Tashildar,
Kumbakonam,
Thanjavur District.

3. The Corporation Commissioner,
Kumbakonam Municipal Corporation,
Thanjavur District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Manamus directing the 3rd respondent not to demolish their houses in Survey No. TS No.871/1, Kottaiyoor Post, Kumbakonam, Thanjavur District and TS No.2242 Kuppankulam Village, Sakottai Post, Kumbakonam, Thanjavur District by considering their representation dated 23.12.2024 within a time frame stipulated by this Court.

For Petitioner : M/s. C.Geetha for Mr.T.Stalin,

For Respondent : Mr. A.Baskaran,
Additional Government Pleader for R1, R2
Mr. M.Rajarajan for R3



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ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a mandamus directing the 3rd respondent not to demolish the petitioners' houses in Survey No. TS No. 871/1, Kottaiyoor Post, Kumbakonam, Thanjavur District and TS No. 2242 Kuppankulam Village, Sakottai Post, Kumbakonam, Thanjavur District by considering their representation dated 23.12.2024 within a time frame stipulated by this Court.

3. The learned counsel for the petitioners would submit that though a larger relief has been sought for, it would suffice if the petitioners are granted time to vacate their respective houses.

4. Heard the learned counsel on either side and perused the



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materials available on record.

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5. In the earlier occasion, when the petitioners have approached this Court by filing writ petitions in WP(MD) Nos.24780 to 24791/2024, on 21.10.2024, this Court passed the following order :

“3.Considering the fact that the petitioners have been in occupation of the property in question for quite some time, we deem it reasonable to grant time till 15th December 2024 to remove the encroachment by themselves. If the encroachment is not removed by 15.12.2024, the Corporation will be at liberty to remove the encroachment without any further notice.”

6. Now, the contention of the petitioners is that since it is midst of the academic year and their children are studying and some of them are going to write their forthcoming board examinations, at this juncture, they are unable to vacate and hand over the premises and if they are forced to vacate, the education of their children will get affected. However the petitioners undertake to give an undertaking affidavit stating that soon after the academic year, they will vacate the premises.



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7. Accordingly the petitioners are directed to give their affidavit of undertaking before the Registry stating that after completion of the academic year, during the first week of May, 2025, they shall vacate the premises. Such affidavit of undertaking shall be filed on or before 10.01.2025. In view of the said affidavit of undertaking to be given by the petitioners, this Court is inclined to extend the time already granted vide order dated 21.10.2024, till first week of May, 2025, failing which, the order shall stand cancelled without further reference to this Court.

8. With the above direction, the writ petition stands disposed of.
No costs. Consequently connected Miscellaneous Petition is closed.

[P.V., J] [M.J.R., J]
27.12.2024

NCC : Yes/No
Index : Yes/No
RR



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RR

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