



WEB COPY



W.P.No.14079 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.14079 of 2024

Ravi @ Siva Prakasam
S/o Late Dasarathan

.. Petitioner

v.

1. The Chief Executive Officer
Cantonment Board
St.Thomas Mount cum Pallavaram
Chennai 600 016

2. The Estate Officer
Cantonment Board
St.Thomas Mount-cum-Pallavaram Cantonment
Chennai 600 016 .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the 1st respondent impugned eviction notice issued on 08.05.2024 vide No.STM/Works/1/0773 in so far as the petitioner's concern and quash the same.



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For Petitioner :: Mr.S.Vijayakumar
For Respondents :: Mr.C.Mohan for Cantonment Board
Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The letter issued by the Chief Executive Officer, Cantonment Board, St.Thomas Mount cum Pallavaram Cantonment to the Commissioner of Police, Tambaram City Police, the Assistant Commissioner of Police, Law & Order, Pallavaram Range and the Inspector of Police, Law & Order, Pallavaram Range seeking police protection to remove the encroachers including the petitioner, is the subject matter of challenge in the present writ proceedings.

2. The impugned letter reveals that the procedures as contemplated under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 had been followed by the Cantonment Board, notices



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were issued to the encroachers and orders were passed. Action was initiated pursuant to the writ order passed by this Court. Contempt proceedings were initiated in Contempt Petition No.2221 of 2018 and thereafter, the Cantonment Board initiated action to evict the encroachers from the public premises. After initiation of contempt proceedings, the Cantonment Board issued the impugned letter dated 8th May, 2024 to the Commissioner of Police, Tambaram City and other authorities to provide adequate police protection to carry out the eviction process.

3. This Court is of the considered opinion that such letter per se would not provide a cause for institution of writ proceedings, since the learned counsel for petitioner would submit that the appeal filed under the Act is not even numbered. It is in the condone delay petition stage. While so, the writ petition before this Court is not entertainable.

4. It is not in dispute at the present stage that the petitioner is an unauthorised occupant and the procedures as contemplated under the Act were followed by affording opportunity. Rules of natural justice had been



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complied with. That being the factum, this Court finds no reason to entertain the present writ petition.

5. It is the duty of the Commissioner of Police, Tambaram City Police, Sholinganallur and his subordinate police authorities to provide adequate police protection to carry out the eviction, as per the orders of the Court and the proceedings of the Cantonment Board under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act.

6. Mr.E.Raj Thilak, learned Additional Public Prosecutor has taken notice and he shall inform this order to the Commissioner of Police, Tambaram City Police to provide adequate police protection to evict the encroachers/unauthorised occupants. The Cantonment Board shall initiate all appropriate actions to remove the encroachers/unauthorised constructions forthwith with the assistance of the police and the date and time fixed by the Cantonment Board shall be duly intimated to the police authorities for providing adequate protection.



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7. With the above directions, the writ petition stands dismissed.

Consequently, W.M.P.Nos.15260 & 15261 of 2024 are also dismissed. No costs.

Index : yes

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

Neutral citation : yes/no

05.02.2025

Note to Office:

Registry is directed to communicate
a copy of the order to the
Commissioner of Police, Tambaram City Police
Sholinganallur, Chennai 600 119 and the
Assistant Commissioner of Police, Law & Order,
Pallavaram Range, Chennai-600 043

SS

To

1. The Chief Executive Officer
Cantonment Board
St.Thomas Mount-cum-Pallavaram Cantonment
Chennai 600 016
2. The Estate Officer
Cantonment Board
St.Thomas Mount-cum-Pallavaram Cantonment
Chennai 600 016



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3. The Commissioner of Police
Tambaram City Police
Sholinganallur
Chennai 600 119

4. The Assistant Commissioner of Police
Law & Order, Pallavaram Range
C.Pallavaram, Chennai 600 043

5. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

SS

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