



W.P(MD)No.9210 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.9210 of 2025
and
WMP (MD) Nos.6872 and 6873 of 2025**

1. Kamalabai

2. R.Kala Selvi

... Petitioners

vs.

1. The District Collector,
Nagercoil, Kanyakumari District.

2. The Divisional Railway Manager,
Divisional Office, Work Branch,
Southern Railway,
Thiruvananthapuram Division,
Thiruvananthapuram,
Kerala State.

3. The Senior Section Engineer,
Southern Railway,
Thiruvananthapuram Central,
Thiruvananthapuram,
Kerala State.

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4. The General Manager,
Southern Railway,
George Town, Chennai.

5. The Estate Officer/Additional Divisional Railway Manager,
Thiruvananthapuram,
Kerala State.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the fifth respondent in respect of impugned order of the fifth respondent dated 10.03.2025 in respect of eviction order of the properties situated in R.Sy.No.622/1B and R.Sy.No.622/4A, Eraniel Village, now Nullivilai A Village, Kanyakumari District, insofar as the petitioners are concerned and quash the same.

For Petitioners : Mr.R.Maheswaran

For R1 : Mr.J.Ashok
Additional Government Pleader

For R2 - R5 : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

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

The proceedings of the Estate Officer/ Additional Divisional Railway Manager, Southern Railway, dated 10.03.2025, is under challenge in the present writ proceedings.



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2. The railway authorities identified encroachments in railway properties. Action was initiated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, by the Estate Officer. An enquiry was conducted by affording opportunity to the encroachers. The order reveals that during the hearing of the parties, the encroachers are unable to produce any ownership records. Further, the parties have agreed that they are encroachers in railway land.

3. May that as it be. If at all the petitioners claim any right over the property, they can submit all the documents before the appellate authority. Exhausting the appellate remedy is a paramount importance. Since the appellate authority is competent to call for the original records, adjudicate the issues on merits and pass appropriate orders. High Court cannot conduct a roving enquiry regarding right to property in the writ proceedings, which is a disputed issue. Therefore, the petitioners are at liberty to approach the appellate authority for redressal of their grievances in the manner known to law.



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4. With this liberty, this writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S.,J.] & [A.D.M.C.,J.]

11.06.2025

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NCC : Yes
Index : Yes
Internet : Yes
PKN

To

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ORDER MADE IN
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