



WP(MD). No.30909 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.11.2025

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30909 of 2025

and

W.M.P(MD)Nos.24102 & 24104 of 2025

Joseph Louis Adaikalara

... Petitioner

Vs

- 1.The Divisional Engineer,
Southern Railways,
Thiruchirappalli Junction,
Thiruchirappalli.
- 2.The Assistant Divisional Engineer,
Southern Railways,
Thiruchirappalli Junction,
Thiruchirappalli.
- 3.The Senior Section Engineer (Works),
Southern Railways,
Thiruchirappalli Junction,
Thiruchirappalli.

... Respondents



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PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records of the Impugned proceedings 3rd respondent in No.52/TPJ dated 23.10.2025 which was served on 25.10.2025 along with another impugned letter of the 2nd respondent in No.L1/1 and dated 25.10.2025 and quash the same.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

Heard both sides.

2.The writ petitioner is a railway contractor in occupation of 2008 sq.ft of land within TPJ railway campus. The respondents 1 and 2 issued the impugned communications calling upon the petitioner to vacate and hand over the possession of the same. Challenging the impugned demand, this writ petition has been filed.



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3.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He raised 3 contentions:

a) The petitioner's grandfather was also a railway contractor and had been allotted 2008 sq.ft of land in the same premises. In the year 2011, the railway authorities requested the petitioner to move to the present site in exchange for the originally allotted area. The petitioner complied with the said request. Thus, the petitioner cannot be called as an “unauthorised occupant”.

b) The petitioner was allotted such a land only to enable him to store the goods which are necessary for carrying out railway contracts. Since the petitioner continues to be a railway contractor, the purpose is still holding good, and therefore calling upon the petitioner to surrender the possession is not justified.

c) Even if one assumes that the petitioner is an unauthorised occupant, he cannot be summarily evicted. The authorities are obliged to follow the procedure set out in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.



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4.The respondents have filed a counter affidavit and also a typed set of papers. The learned Deputy Solicitor General of India appearing for the respondents rebutted all the contentions urged by the learned counsel for the petitioner. He called upon this Court to dismiss the writ petition.

5.I carefully considered the rival contentions and went through the materials on record.

6.The prime stand of the respondents is that no formal allotment was ever made. I am not in a position to agree with this submission. This is because, in the year 2011, vide communication dated 11.05.2011, the third respondent called upon the petitioner to shift to the existing site. The said letter reads as follows:



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SOUTHERN RAILWAY

No. Sw/30

Office of the Section Engineer works,
Tiruchchirappalli Jn.
Date: 23.03.2011
1/8

DEN/Central/TPJ
Through ADEN/Central/TPJ

Subj: Allotment of alternative land for A.L. ; contractor shed-req.
Ref: DEN/TPJ's inspection of second entry on 25.6.11.

The second entry road work is in advanced stage of progress. The road from second entry is to be connected to existing circulating area to which RS Post office, a small temple & A.L. shed are adjoining.

Contractor Sri. A. Jeyapalanis has been advised to shift his shed and a sketch showing proposed shifting shed to new location is herewith enclosed for approval. In this regard, it is advised that the alternative land to be secured is 2008 sqft. as per original allotment.

Encl: Xerox copy of site plan.

SE/Workshop P.T.
தொழில்நுட்ப பகுதி
தஞ்சை மண்டலம்
தஞ்சை ரெயில்வே ஸ்டேஷன்
தஞ்சை, திருச்சிராப்பள்ளி
தஞ்சை, திருச்சிராப்பள்ளி

Received at the office of the Section Engineer works,
for necessary action. *[Signature]*
23/3/11

SOUTHERN RAILWAY

0014/33



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7. Since the said letter specifically refers to an original allotment, one can safely assume that there must have been original allotment proceedings and it is probably not available in the records maintained by the respondents. However, the existence of an original allotment by itself would not validate or legitimise the writ petitioner's current occupation. This is for more than one reason.

8. The respondents have circulated letters dated 03.10.1987 and 03.05.1993 written by the writ petitioner. The officials instructing the learned Deputy Solicitor General of India assert that the original letters are very much available in the file. It is true that these letters now circulated have not been duly backed by a verifying affidavit. It is well settled that whenever a document is sought to be relied upon in a writ proceeding, it must be supported by a verifying affidavit. On this ground, I should have refused to look into these communications. But the respondents indicated that they ready to file a verifying affidavit. I am also satisfied that these letters attributed by the writ petitioner are very much written by him. From a reading of the said letters, one can notice that the petitioner's family has been in occupation of a piece of



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railway land measuring around 2008 sq.ft within the Trichy railway station premises since April 1918. Even according to the writ petitioner, it was a 99 year old lease. By the stand of the writ petitioner, this period must have expired in 2017 itself. The petitioner has not produced any record or proceeding issued by the competent railway authority granting any right or interest in his favour of in respect of the petition mentioned land. Therefore, definitely beyond May 2017, the writ petitioner's occupation cannot be said to be authorised. Therefore, the writ petitioner can very well be treated as an unauthorised occupant. As per the statutory definition, the term “unauthorised occupation”, in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

9. There is considerable merit in the writ petitioner's counsel contention that the respondents cannot summarily throw the petitioner



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out. More so, when a statute enacted by the parliament, namely, the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 governs the field. The railway authorities are obliged to adopt due process. However, that does not mean that in every case, the writ Court must come to the rescue of an unauthorised occupant and direct the authorities to follow the statutory procedure. Public interest may suffer at times if the authority is mandated to adopt the procedure laid down in the statute. On such occasions, the discretion of the court must be so exercised as to balance public interest and individual interest. A person who has zero right or equity in his favour cannot demand that the writ court must come to his rescue. The factual matrix will have to be taken due note of.

10.The whole object of the statute is to ensure that a person in unauthorised occupation of the government land is not suddenly dispossessed, rendering himself roofless. In this case, the respondents have already put the petitioner on notice. The petitioner has not been able to produce any material or cite any provision of law in support of his contention that he is entitled to continue in possession of the land in



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question. Interest of justice will be served by granting four months time from today for the petitioner to vacate the petition mentioned land and hand over possession of the same to the respondents. If the petitioner had shown even an iota of right in the petition mentioned land, I would have definitely left open all the defences of the writ petitioner and called upon the authorities to abide by due process. Since the petitioner has not been able to show any right or title over the petition mentioned land, I am not in a position to exercise my discretionary jurisdiction in favour of the writ petitioner.

11. The learned counsel for the petitioner states that the purpose for such allotment was originally made continues to subsist. It is true that he continues to be a railway contractor. But it is seen that those subsisting contracts are not with the Trichy railway junction but with the other railway junctions. Therefore, the petitioner is not justified in asserting that he can continue to occupy such a large chunk of land within Trichy railway junction campus.



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12. Granting four months time from the date of receipt of copy of this order to the petitioner to vacate, this Writ Petition stands dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2025

MGA

To

1. The Divisional Engineer,
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Thiruchirappalli Junction,
Thiruchirappalli.
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G.R.SWAMINATHAN, J

MGA/SKM

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