
(2005) 01 MAD CK 0084
In the Madras High Court
Case No : W.A. No. 120 of 2005

A. Thayal Nayagi

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 20-01-2005

Acts Referred:

Easements Act, 1882 — Section 60

Citation : (2005) 1 MLJ 453 : (2005) WritLR 112

Hon'ble Judges : Markandey Katju, C.J.;D. Murugesan, J

Bench : Division Bench

Advocate : V. Raghavachari, for the Appellant;

Final Decision : Dismissed

Judgement

Markandey Katju, C.J.—This writ appeal has been filed against the impugned judgment of the learned single Judge dated 26.2.2003.

2. Heard learned counsel for the appellant.

3. The appellant was a licensee of railway land along with other licensees. Most of the original licensees died and third parties are illegally

occupying the plots in question. In some cases though the original licensees are occupying the plots for which licenses were given, the period of

licenses has long expired and had not been renewed. Hence such persons are unauthorised occupants occupying the plots without any right.

4. The learned single Judge in his judgment has hence rightly set aside the judgment of the learned District Judge, Trichirapalli. We have carefully

perused the judgment of the learned single Judge and fully agree with the reasoning given, which we are not repeating.

5. The appellant was only a licensee of the plot in question and it is well settled that a licensee has no right vide Section 60 of the Easements Act.

Moreover the period of license expired a long time back and hence the appellant was clearly an unauthorised occupant.

6. Learned counsel for the appellant however argued that the procedure mentioned in the Public Premises (Eviction of Unauthorised Occupants)

Act, 1971 should have been followed by the authorities, but it was not followed. In our opinion, this argument is based on a total misconception.

The object of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 is to forcibly evict unauthorised occupants who are deliberately

remaining in occupation of public premises unauthorisedly. Hence the impugned judgment of the learned single Judge is fulfilling exactly the same

object which the aforesaid Act aims at, namely, to forcibly throw out unauthorised occupants from public property. Decent people vacate the

premises when the period of lease or license expires. When a person does not behave in a decent manner, the only way left is to forcibly throw him

out. It is for this purpose that the aforesaid Act was enacted, and the same object has been achieved by the learned single Judge namely, to throw

out an unauthorised occupant. Hence we see no reason to interfere with the judgment of the learned single Judge, which is eminently just and fair.

The writ appeal is dismissed. Consequently WAMP No. 179 of 2005 is also dismissed.