

(1999) 07 MAD CK 0034
In the Madras High Court
Case No : Writ Petition No. 11813 of 1999

G. Bothalingam

APPELLANT

Vs

The District Collector and Others

RESPONDENT

Date of Decision : 09-07-1999

Acts Referred:

Citation : (1999) 07 MAD CK 0034

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : Thamizharasan, for the Appellant; G. Shankaran, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

P.D. Dinakaran, J.—Learned Government Advocate takes notice.

2. Admittedly, the Petitioner is an encroached of 3 cents of land located at door No. 4/206, Pandiyan street, vadakkupattu Periyar Nagar

Extension situated in R.S. No. 261 of Eri-poramboke Medavakkam Village in Pallikaranai Firka, Tambaram Taluk, Kancheepuram District.

3. Apprehending that the Petitioner will be evicted by the Respondent without due process of law, the Petitioner seeks a writ of Mandamus

directing the Respondents, to forbear them from evicting the Petitioner's house and site to an extent of 3 cents at Door No. 4/206, Pandiyan

Street, Vadakupattu Periyar Nagar Extension situate in R.S. No. 261 of Eri-poramboke, Medavakkam Village in Pallikaranai Firka, Tambaram

Taluk, Kancheepuram District.

4. In my considered opinion, the Petitioner, being an encroacher, has no absolute right over the impugned land and therefore, the Respondents

have power to evict the Petitioner, provided, they follow the due process of law conferred under the relevant statute. Therefore, it is suffice to

direct the Respondents to take appropriate steps to evict the Petitioner, if they are so advised, after following the due process of law, under the

relevant statute; in the meanwhile, the Petitioner shall not be dispossessed if they are in possession as on date.

5. The writ petition is ordered accordingly. Consequently, W.M.P. No. 16745 of 1999 is dismissed. No costs.