



W.P.(MD)No.8604 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.8604 of 2023
and W.M.P.(MD) No.7917 of 2023

S.Rengammal

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai.

2.The Madurai Corporation,
Rep. by its Commissioner,
Anna Maligai,
Madurai – 02.

3.The Asst Commissioner,
Zone-1, East Madurai Corporation,
Madurai – 02.

4.A.Muthuramalingam

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records of the 2nd respondent's impugned order bearing No.MI EI/007069/2022, dated 30.03.2023 in



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respect of the petitioner's husbands Patta Property in Old Survey No.1-2 and new Survey No. 153 T.S.No.111 in Block No.1 in Ward No.16 of Anthaneri Kanmoi, Madurai North Taluk, Madurai city and quash the same consequently direct the respondents 1-3 from interfering with the peaceful enjoyment of above said Patta Property at the instance of the 4th respondent.

For Petitioner : Mr.S.Siva Ilayaraja

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1

Mrs.S.Devasena
Standing Counsel for R2 and R3

ORDER

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

The Writ Petition has been instituted questioning the validity of the notice issued under Section 258 of the Madurai Corporation Act, 1971.

2. Learned Government Advocate appearing on behalf of the respondents 1 and 3 made a submission that survey has already been conducted on 19.10.2023 and the authorities competent found encroachments on the streets. The writ petitioner along with nine others have encroached upon the streets and therefore, actions are initiated to remove the encroachments for the benefit of public at large / road users.



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3. Learned counsel for the petitioner raised an objection.

4. The petitioner is granted one week from the date of receipt of a copy of this order to submit his objections / explanations along with the documents, if any, and thereafter, the respondents are directed to consider the same, take a decision and remove all the encroachments within a period of four weeks therefrom.

5. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
08.11.2023

NCC : Yes / No
Index : Yes / No

SJ

To

1.The District Collector,
Collectorate,
Madurai.



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V.LAKSHMINARAYANAN, J.

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