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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.20097 of 2015

and MP(MD)No.1 of 2015

Lakshmi Ammal

.. Petitioner

Vs.

The Commissioner,
Madurai City Municipal Corporation
Anna Maligai, Alagarkoil road,
Tallakulam
Madurai - 625 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent dated 27.10.2015 and quash the same.

For Petitioner : Mr.M.Rajaraman

For Respondent : Mr.N.Shanmugaselvam

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner has come up with the above writ petition challenging a notice of removal of encroachment issued by the Corporation of Madurai.

2.Heard Mr.M.Rajaraman, learned counsel for the petitioner. Mr.N.Shanmugaselvam, learned counsel takes notice for the Madurai Corporation.

3.The main grievance of the petitioner is that she holds a valid sale deed in respect of the property in question. She has not only produced a copy of the sale deed but also produced property tax receipts, electricity receipts, building plan approval issued by the Selection Grade Town Panchayat of Avaniyapuram, and the decree passed by the Principal District Munsif Court, Madurai in O.S.No.561 of 1995 dated 15.10.2001. All these documents are rejected by one stroke by the impugned order on the ground that they do not relate to the survey number of the property from which encroachment is sought to be removed.

4.But unfortunately the respondent has not indicated even in the notice, the survey number, in which the encroached property is located. Even in the impugned order, the survey number is not indicated. Without even indicating either in the notice or in the final order, the survey



number of the property, we do not know how all documents produced by the petitioner could be rejected as not relating to the encroached property.

5. Therefore, the writ petition is allowed. The impugned order is set aside and the respondent is given liberty to issue a fresh notice, clearly indicating the survey number. Thereafter the petitioner shall submit necessary documents, on the basis of which, the respondent shall take a decision after an opportunity to the petitioner. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To
The Commissioner,
Madurai City Municipal Corporation,
Madurai-625 001.

+1cc to Mr.M.Rajaraman, Advocate SR.No.65213
+1cc to Mr.N.Shanmugaselvam, Advocate SR.No.65121

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mj
NS/JGB-DP/24.11.2015 : 2P/4C