

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.20068 of 2016
and WMP.No.17293 of 2016

Rajammal

...Petitioner

Vs.

1.The District Collector
Tirupur District
Tirupur

2.The Tahsildar
Thirupur Taluk Office
Tirupur District

3.The Commissioner
Tirupur City Municipal Corporation
Tirupur District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for records pertaining to the order passed by the 3rd respondent in Na.Ka.No.903/2016/P1/Ma1 dated 03.06.2016 and quash the same.

For Petitioner : Mr.K.C.Karl Marx

For respondents : Mr.P.S.Sivashanmugasundaram,
Spl.G.P. For R1 and R2
Mrs.P.Shanthi, for R3.

ORDER

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard the learned counsel for the petitioner. Mr.P.Sivashanmugasundaram, learned Special Government Pleader is directed to take notice for respondents 1 and 2. Mrs.P.Shanthi, learned Standing counsel is directed to take notice for the third respondent.

2. The petitioner is before this court seeking to quash the proceedings of the 3rd respondent dated 03.06.2016, wherein, the petitioner was directed to remove the encroachment of 5.42 sq.meters on the Municipality Road within 3 days from the said notice. According to the petitioner, no show cause notice was issued to her by the third respondent as contemplated under the Tamil Nadu Land Encroachment Act, 1905.

3. Since it is a matter of encroachment on the Government Land, the petitioner is directed to treat the proceedings dated 03.06.2016 issued by the third respondent as show cause notice and furnish reply to the same within 15 days from today. The respondents 1 to 3, on receipt of such reply, shall consider the same and afford sufficient opportunity to the petitioner, and after carrying out survey, demarcate the boundaries in respect of the petitioner's land and the Municipality Road and in the event of any encroachment by the petitioner, shall take steps to remove the same by passing appropriate orders within a period of two months thereafter. Till then, there shall be an order of status quo.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The District Collector
Tirupur District Tirupur

2.The Tahsildar
Thirupur Taluk Office
Tirupur District

3.The Commissioner
Tirupur City Municipal Corporation
Tirupur District

1 cc to Mrs.P.Shanthi, Advocate, sr.33027

1 cc to Mr.K.C.Karl Marx, Advocate, sr.32482

W.P.No.20068 of 2016

sks co, kra 17.06.2016