

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.9881 of 2016
and
W.M.P. No.8854 of 2016

S. Dhanalakshmi ...Petitioner
Vs.

The Commissioner,
Hosur Municipality,
Municipal Office,
Hosur, Krishnagiri District. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the respondent in Na.Ka.No.08401/2015/F-1 and to quash the order dated 10.03.2016 made therein.

For Petitioner Mr. G.M. Anantha Kumar

For Respondent Mr. N. Subbarayulu

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2. Feeling aggrieved by the impugned order dated 10 March 2016, whereunder a direction was issued to remove the encroachment, the petitioner has filed the instant writ petition.

3. According to the learned counsel appearing for the petitioner, the petitioner was served a notice on 04 March 2016, calling upon the petitioner to file response on or before 14 March 2016. Without waiting for the response, the impugned direction was passed on 10 March 2016. Learned counsel appearing for the petitioner submits that the petitioner is not in a position to file reply as the respondent proposes to pass an order under some other provisions of law. In a case of this nature, the provisions of law are not more important but what is

important is the factum as to whether the petitioner has encroached a particular land or not. The petitioner has to establish that she is not in encroachment and has made construction or otherwise on the land legally and duly owned by her.

4. Learned counsel appearing for the respondent/Corporation submits that the petitioner was given sufficient notice much in advance earlier also.

5. Be that as it may, in the facts of the case, we grant further seven days time from today, to the petitioner to file representation. Thereafter, on consideration of the representation, the respondent is directed to take consequential action immediately, if need be.

6. With the aforestated observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Commissioner,
Hosur Municipality,
Municipal Office,
Hosur, Krishnagiri District.

+1cc to Mr.G.M.Ananthakumar, Advocate, S.R.No.19811
+1cc to Mr.Subbarayalu, Advocate, S.R.No.19840

W.P. No.9881 of 2016

ev(CO)
srg(05/04/2016)

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