



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.1684 of 2016

and

W.M.P (MD) No.1440 of 2016

S.K.Subadhra

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

3.The Assistant Divisional Engineer,
Highways Department,
Ambasamudram,
Tirunelveli District.

4.The Commissioner,
Ambasamundram Municipality,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating with the impugned Notice No.100/2014/A1 dated 21.01.2016 issued by the 3rd respondent and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents 1-3 : Mr.B.Pugalendhi,
Special Government Pleader.

For 4th Respondent : Mr.P.Athimoolapandian

ORDER

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

The petitioner, claiming to be the owner of a property on which she has built 26 shops and let out to tenants, has come up with the above writ petition challenging the notices for the removal of encroachment issued by the Assistant Divisional Engineer, Highways Department.



2. Heard Mr.R.Suriyanarayanan, learned counsel for the petitioner. Mr.B.Pugalendhi, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.P.Athimoolapandian, learned counsel takes notice for the fourth respondent.

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3. The main ground on which the petitioner assails the impugned orders is that the property in question is a private property and that she has got documents to support the same. Therefore, her grievance is that if an opportunity had been granted to her, she would have produced the documents before the respondents.

4. In view of the above, the writ petition is disposed of directing both parties to treat the impugned order as show cause notice. Within two weeks from today (namely, 27.01.2016), the petitioner shall file her objections to the impugned orders treating them as show cause notices. If the tenants want to say something, they are also free to make their objections to the impugned orders. Thereafter, the third respondent shall fix a date within two weeks from the date of receipt of objections, calling upon the petitioner to submit documents. On the date fixed, the petitioner shall produce the documents on the basis on which she is claiming title to property. Within two weeks thereafter, the third respondent with the assistance of the officials of the revenue and survey department, shall survey the land with reference to the documents produced, find out if there are encroachments and pass an order. If there are encroachments, the encroachments shall be removed after passing orders. No costs. W.M.P(MD)No.1440 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

sms

To

1. The District Collector, Tirunelveli District.
 2. The Tahsildar, Ambasamudram Taluk, Tirunelveli District.
 3. The Assistant Divisional Engineer,
Highways Department, Ambasamudram, Tirunelveli District.
- +1 cc to Mr.R.Suriyanarayanan, Advocate, SR No. 4461

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27.01.2016