

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. [MD].No.11270 of 2017
and
W.M.P (MD) .No.8649 of 2017

K.Angammal

: Petitioner

Vs.

1. The Commissioner,
Trichirappalli Corporation,
Trichirappalli.

2. The Assistant Commissioner,
Ko.Abishekapuram Division,
Trichirappalli Corporation,
Trichirappalli.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings in Na.Ka.No.F1/3569/2016 [Ko.Abi], dated 14.06.2017, on the file of the second respondent herein and quash the same.

For Petitioner : Mr.V.Illanchezian
For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Illanchezian, learned counsel for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader, who appears and accepts notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner is aggrieved by the notice issued by the second respondent dated 14.06.2017, in and by which, the petitioner has been termed as an "encroacher" and he has been directed to remove the encroachment within a period of 24 hours.



We find that the encroachments pointed out by the second respondent are all certain movable articles kept in pathway and the sunshade, which appears to be an aerial projection.

3. The learned Additional Government Pleader appearing for the respondents submitted that though the notice dated 14.06.2017, granted only 24 hours time, subsequently, another notice was issued on 15.06.2017 and the petitioner did not appear before the second respondent and therefore, the further hearing is fixed on 20.06.2017 and the second respondent will consider the objection of the petitioner.

4. In our considered view, if there are certain movable articles kept in the pathway, there would be no difficulty for the petitioner to remove the same and the petitioner should be given a reasonable time to remove the same. Insofar as the aerial projection [sunshade] is concerned, the second respondent is directed to examine as to whether there is an encroachment and if it is so, the second respondent can direct the petitioner to remove the same by giving seven days time, failing which the second respondent can take appropriate action to remove the encroachment.

5. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Trichirappalli Corporation,
Trichirappalli.

2. The Assistant Commissioner,
Ko.Abishekapuram Division,
Trichirappalli Corporation,
Trichirappalli.

+1cc to M/S. N.S.KARTHIKEYAN, Advocate, SR.No.60826.

+1cc to M/S. V.ILLANCHEZIAN, Advocate, SR.No.60763.

ORDER MADE IN
W.P.[MD].No.11270 of 2017
19.06.2017