



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.13467 of 2017

and

W.M.P (MD) .No.10535 of 2017

N.Bose

: Petitioner

Vs.

The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the impugned order in Na.Ka.N.3129/2017/F2, dated 12.04.2017, passed by the Respondent and quash the same as illegal and consequently forbearing the respondent herein from removing encroachment in the land situated at Door No.9/137, Keezhapallivasal Street, paramakudi, Ramanathapuram District.

For Petitioner
For Respondents

: Mr.D.Senthil
: Mr.M.Kannan
Standing Counsel

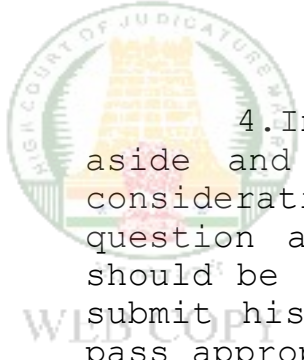
O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The Challenge in this writ petition is to the proceedings, dated 12.04.2017 passed by the respondent directing the petitioner to remove the encroachment in respect of a portion of the property situated at Door No.9/137, Keezhapallivasal Street, paramakudi, Ramanathapuram District.

2.The petitioner filed this writ petition mainly on the ground that the encroached portion has not been indicated specifically by the respondent and as such, the matter requires a fresh consideration.

3.The plan produced by the respondent indicates that the area stated to be in the possession of the petitioner is in excess of his entitlement on the basis of the title deed and Revenue documents. Since the petitioner has taken up the contention that survey was not conducted after issuing notice to him, we are of the view that the matter requires fresh consideration.



4. In the result, the impugned order dated 12.04.2017 is set aside and the matter is remitted to the respondent for fresh consideration. The respondent is directed to survey the land in question after issuing notice to the petitioner. The petitioner should be given a copy of the survey report and two weeks time to submit his response. It is open to the respondent thereafter to pass appropriate orders on merits and in accordance with law.

5. The writ petition is allowed as indicated above.

6. The Status quo as on today shall be maintained till a decision is taken by the respondent.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

+1cc to M/S.D.Senthil, Advocate SR.No. 67739
+1cc to M/S.M.Kannan, Advocate SR.No. 67839

Order made in
W.P. (MD) No.13467 of 2017
and
W.M.P (MD) .No.10535 of 2017
Dated:
26.07.2017

tsg/am
JM/RSK/SAR 1/07.08.2017/2P/4C