

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 28.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P (MD) No.14408 of 2017
and
WMP (MD) No.11290 of 2017**

K.Angammal

... Petitioner

Vs.

1. The Commissioner,
Trichirappalli Corporation,
Trichirappalli.

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

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings in Na.Ka.No.F1/3569/2016 (Ko.Abi) dated 21.07.2017 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.S.Illangchezian

For Respondents : Mr.N.S.Karthikeyan.

O R D E R**(Order of the Court was made by G.R.SWAMINATHAN, J.)**

The writ petitioner challenges the order dated 21.07.2017 issued by the second respondent, calling upon the writ petitioner to remove the aerial encroachment in question. The writ petitioner had earlier moved this Court by filing W.P.(MD) No.11270 of 2017. Even after remand, the second respondent has passed an order, which is not clear.

2. The case of the petitioner is that the land in question is not a public pathway. Without giving a specific finding in respect of the character of the pathway in question, the order to



remove the aerial encroachment has been passed.

3. We therefore quash the order dated 21.07.2017 issued by the second respondent. The matter is once again remitted to the file of the second respondent with direction to pass fresh orders in accordance with law.

4. The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

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

+1 cc to Mr. S. Illangchezian , Advocate in SR.No. 74953

Skm/Arul

AE/MR KKR/SAR3/18.09.2017/2P/4C

**W.P (MD) No. 14408 of 2017
and**

**WMP (MD) No. 11290 of 2017
28.08.2017**