



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.5398 of 2017
and
W.M.P(MD)Nos.4331 and 4332 of 2017

C.Muthu .. Petitioner

Vs.

1. The District Collector,
O/o.District Collectorate,
Sivagangai District.
2. The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the second respondent pertaining to his proceedings in Na.Ka.No.1356/2013/F2 dated 17.03.2017 and quash the same.

For Petitioner : Mr.S.Vijayakumar
For Respondent No.1 : Mr.K.Guru,
Additional Government Pleader.
For Respondent No.2 : Mr.P.Mahendran

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the notice dated 17.03.2017 passed in Na.Ka.No.1356/2013/F2 by the second respondent and quash the same, by way of issuing a writ of certiorari.

2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the first respondent and Mr.P.Mahendran, learned counsel, has taken notice for the second respondent.



3.The learned counsel appearing for the petitioner has contended to the effect that the petitioner is having a house and the same situates in Survey No.1339/9 Part and the petitioner has not made any encroachment and the second respondent under the guise of removing encroachment has tried to remove drainage channel and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

4.It is seen from the records that as per order passed in W.P(MD)No.2454 of 2017, the second respondent has issued the impugned notice wherein sufficient time has been given to the petitioner. The main contention putforth on the side of the petitioner is that under the guise of removing encroachment, the second respondent has tried to remove drainage channel and if it is removed the petitioner cannot discharge filthy water.

5.Considering the contention putforth on the side of the petitioner, this Court is inclined to pass the following order.

6.In fine, the petitioner is directed to give a representation to the second respondent and the second respondent is directed to consider and dispose of the same within a period of seven days. With the above observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
O/o.District Collectorate,
Sivagangai District.

2. The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.

+1 cc to Mr.S.Vijaya Kumar, Advocate, SR.No.18333

+1 cc to Mr.P.Mahendran, Advocate, SR.No.18642

+1 cc to Special Government Pleader , SR.No. 18900

ORDER MADE IN
W.P(MD)No.5398 of 2017
and
W.M.P(MD)Nos.4331 and 4332 of 2017
28.03.2017

smn