



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) Nos.9000 and 9001 of 2017
and
W.M.P (MD) .Nos.6873, 6874, 6875 and 6876 of 2017

S.Vaideki ... Petitioner in W.P.(MD) .
No.9000 of 2017

A.Rajendran ... Petitioner in W.P.(MD) .
No.9001 of 2017

Vs.

The Commissioner,
Madurai Municipal Corporation,
Anna Maligai,
Madurai.

... Respondent in both
Writ Petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the order in Ma.Thi.4/19503/2015, dated 28.04.2017 on the file of the respondent and quash the same as illegal.

(In both Writ Petitions)

For Petitioners : Mr.R.Alagumani
For Respondents : Mr.R.Prabhu Ramachandran,

C O M M O N O R D E R

[Order of the Court was made by T.RAJA, J.]

These Writ Petitions have been directed against the impugned notice dated 28.04.2017, issued to the petitioners, on various grounds *inter alia* that the petitioners being the owner of the land in question on the basis of the sale deeds, dated 04.12.2006, 13.06.2008 and 04.12.2013, the impugned order ought not have been issued to the petitioners as though the land in question do not belong to them.

2. The learned counsel appearing for the petitioners submitted that earlier the respondent/corporation issued notice to the petitioners on 25.06.2015 directing them to remove the



encroachment. Aggrieved against the same, the petitioners approached this Court by way of Writ Petitions in W.P(MD)Nos.10977 and 10978 of 2015. This Court considering the fact that no notice was given to the petitioners, vide order dated 21.07.2015, set aside the notice dated 25.06.2015 and directed the respondent to issue notice to the petitioners and thereafter consider the case of the petitioners. Subsequently, on the basis of the orders of this Court, a detailed notice has been issued to the petitioners on 02.01.2017 calling upon them to submit their explanation. On receipt of such notice, the petitioners had also submitted their explanation on 16.01.2017. Without considering the explanation given by the petitioners, the respondent issued the impugned notice, dated 28.04.2017. Hence, the petitioners have come forward with these writ petitions.

3. The learned standing counsel appearing for the respondent would submit that when an action was taken against the petitioners as they have been in possession of the land belonging to the respondent, they have come to this Court, questioning the correctness of the action taken against them. However, if four weeks time is granted, the explanation/reply given by the petitioners dated 16.01.2017, would be considered on merits.

4. Recording the said statement, these Writ Petitions are disposed of. It is needless to mention that the respondent shall consider the explanation/reply submitted by the petitioners dated 16.01.2017, in response to the earlier notice dated 02.01.2017 within four weeks from the date of receipt and proceed with the matter on merits and in accordance with law. Till then, respondent shall maintain status-quo. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To
The Commissioner,
Madurai Municipal Corporation,
Anna Maligai,
Madurai.

+2cc to Mr.R.Prabhu Ramachandran, Advocate Sr.No.56406 & 56407
+2cc to Mr.R.Alagumani, Advocate Sr.No.21930 & 21931

km/pm

vb/rsk/sar4/18.05.2017/2p/6c