



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P (MD) No.9213 of 2017
and W.M.P (MD) Nos.7000 & 7001 of 2017

M.Muthulakshmi

... Petitioner

Vs.

1.The Madurai Corporation,
Rep. By its Commissioner,
Madurai.

2.The Assistant Commissioner/Deputy Collector,
Zone I, West Zonal Office,
Madurai Corporation,
T.P.K.Road, Madurai.

3.V.Chokkalingam

4.The Executive Engineer (Planning),
Madurai Corporation,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the fourth respondent dated 20.04.2017 in Ref.No.Mathil/16985/16 and quash the same.

For Petitioner : Mr.R.Subaramanian

For RR 1 & 2 : Mr.T.R.Janarthanam,
Additional Government Pleader.

O R D E R

(Order of the court was made by **M.V.MURALIDARAN, J.**)

This writ petition has been filed for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the fourth respondent dated 20.04.2017 in Ref.No.Mathil/16985/16 and quash the same.

2.Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondents 1 & 2. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner would submit that the fourth respondent has no jurisdiction to pass the impugned order in which the petitioner was directed to remove the fence put up by her



in her patta land.

4. Considering the facts and circumstances of the case, this Court is inclined to set aside the impugned order passed by the fourth respondent and accordingly, the impugned order, dated 20.04.2017 passed by the fourth respondent is set aside and the Writ Petition is allowed and the matter is remitted back to the concerned respondent, who passed the impugned order, to pass a fresh order within a period of eight weeks from the date of receipt of a copy of this order, after giving notice to the petitioner as well as the rival parties. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Madurai Corporation,
Rep. By its Commissioner,
Madurai.
2. The Assistant Commissioner/Deputy Collector,
Zone I, West Zonal Office,
Madurai Corporation,
T.P.K.Road, Madurai.
3. The Executive Engineer (Planning),
Madurai Corporation,
Madurai.

+1cc to Mr.R.Subramanian, Advocate, SR.56613
+1cc to Mr.T.S.Mohamed Mohidheen, Advocate, SR.57019

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W.P. (MD) No. 9213 of 2017
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