

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.6983 OF 2010

ORDER:

The relief sought for in this Writ Petition is to declare the action of the respondents in threatening to demolish the petitioner's house, without issuing notice and without following the procedure established by law, as arbitrary and illegal.

A counter-affidavit is filed by the Commissioner of Municipality stating that the petitioner's site and house was located in Ward No.7 (Old) bearing House No.7-183/1; she had erected the house on the road (Government land); she has not been issued any patta for the occupied site; the Municipality was constructing a compound wall on the site of the road for SC burial ground; the petitioner had filed the present Writ Petition apprehending that her house may be demolished by the respondents, since it was an encroachment; and the respondents would follow the procedure established by law for clearing the encroachments on roads and public places.

In the light of the assertion in the counter-affidavit, suffice it to dispose of the Writ Petition directing the respondents not to interfere with the petitioners possession, except after putting her on notice and after giving her an opportunity of being heard. The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 03.11.2017.
MRKR

