



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.10.2018
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.21944 of 2018
and
W.M.P.(MD).Nos.19888 and 19889 of 2018

Ramesh

... Petitioner

Vs.

1. The Commissioner of Corporation,
Madurai Corporation,
Madurai City.

2. The Assistant Commissioner of Corporation,
Madurai Corporation (East Zone -3),
Madurai City.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice dated 18.10.2018 issued by the first respondent and quash the same as illegal and consequently direct the respondents to survey the petitioner's property with town surveyor after affording opportunity to him by considering his representation dated 22.10.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.Arul Vadivel @ Sekar
for Mr.V.Vishnu

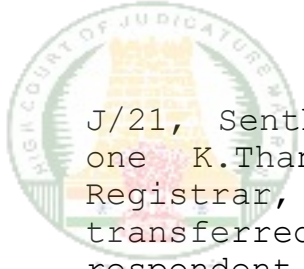
For Respondents : Mr.J.Gunaseelan Muthiah

ORDER

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

This writ petition is directed against the impugned proceedings dated 18.10.2018, issued by the Commissioner, Madurai Corporation, calling upon the petitioner to remove the encroachment to an extent of 13.50mtr. X 4.10+ 4.10/12mtr., as it is canal poramboke in Ward No.71, New Ramand Road, Senthil Andavar Avenue, abetting Panaiyur canal.

2. The learned counsel appearing for the petitioner relying upon the sale deed dated 22.03.2012, submitted that the petitioner has purchased the house property comprised in T.S.No.542/2 admeasuring to an extent of 1098 ½ sq.ft. situated at Door No.45-



J/21, Senthil Andavar Avenue, New Ramand Road, Madurai City, from one K.Thangarajan, vide registered sale deed before the Sub Registrar, Madurai. Subsequently, the revenue records were transferred to the name of the petitioner. But, the first respondent, without taking any survey and measuring the property, unilaterally issued the impugned order. Therefore, the petitioner has come to this Court, challenging the same.

3. Mr.J.Gunaseelan Muthiah, learned Standing counsel appearing for Madurai Corporation taking notice submitted that the impugned order has been issued directing the petitioner to remove the objectionable encroachment abetting the Panayur Canal in Ward No.71, New Ramand Road, Senthil Andavar Avenue. However, in the presence of the petitioner, once again the respondents will resurvey and remeasure the petitioner's Patta land and if any encroachment is made by the petitioner, the same will be removed.

4. We direct the respondents herein to resurvey and remeasure the land in question and remove the encroachment and both the petitioner and the respondents are directed to be present in the place in question on 01.11.2018 at 11.00 a.m., for resurvey, remeasurement and clearing of removal, if it is found as encroachment.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Commissioner of Corporation,
Madurai Corporation, Madurai City.
2. The Assistant Commissioner of Corporation,
Madurai Corporation (East Zone -3), Madurai City.

+1CC to Mr.V.Vishnu, Advocate, SR.No.92795
+1CC to Mr.J.Gunaseelan Muthiah, Advocate, SR.No.20747

W.P. (MD) No.21944 of 2018
29.10.2018

AKV

ES/SKN/RSK/SAR 4/31.10.2018/2P/5C

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