



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.22018 of 2018

and

W.M.P.(MD).No.19976 of 2018

P.K.Mothilal

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Alagar Kovil Road,
Madurai 625 002.

... Respondent

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 in respect of the impugned notice dated 15.10.2018 served on 17.10.2018 issued by the respondent and to quash the same as illegal and contrary to law and to further direct the respondent to consider the petitioner's representation, dated 24.10.2018, within a stipulated time may be framed.

For Petitioner

: Mr.A.R.Sethupathy

For Respondent

: Mr.R.Murali

O R D E R

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

This writ petition is directed against the impugned proceedings dated 15.10.2018, issued by the Commissioner, Madurai Corporation, calling upon the petitioner to remove the encroachment in the nature of car shed to an extent of 1.80 mtr. x 18.90 mtr., as it is canal poramboke in Ward No.53, Fisher Road abetting Panaiyur Canal.

2. The learned counsel appearing for the petitioner placing on record the copy of the Patta dated 04.09.2002, issued by the Revenue Authority to P.K.Mothilal, S/o. P.S.A.Krishna Iyer, granting an extent of 0661.5 sq.mtr., submitted that as the petitioner has put up his car shed only within the Patta land, the 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.R.Murali, 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 made by way of constructing a car shed abetting the Panayur Canal in Ward No.53, Fisher Road. However, in the presence of the petitioner, once again the respondent will resurvey and remeasure the petitioner's Patta land and also the car shed and if any encroachment is made by the petitioner between the extent of the Patta land, the same will be removed.

4. We direct the respondent herein to resurvey and remeasure the land in question and remove the encroachment including the car shed, if it is in encroachment and not covered by the Patta land and both the petitioner and the respondent 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 Petition is closed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-IV)

akv

To

The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Alagar Kovil Road,
Madurai 625 002.

+1cc to Mr.R.Murali, Advocate in SR No.93048

+1cc to Mr.T.R.Subramanian, Advocate in SR No.92554

W.P. (MD) No.22018 of 2018

NM/RSK/SAR IV/31.10.18/2P/4C.