



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS. JUSTICE R.THARANI**

Writ Petition (MD)No.6017 of 2019
and W.M.P. (MD) .No.4821 of 2019

R.Jothi Bai

.. Petitioner

Vs.

1. The Assistant Divisional Engineer,
Highways,
Construction and Maintenance
Trichy-620 020.

2. The Tahsildar,
Trichy-620 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records relating to the impugned order in Notice/Encroachment/2019/Aa2 dated 06.03.2019 issued by the 1st respondent and quash the same.

For Petitioner	: Mr.T.Antony Arulraj
For Respondents	: Mr.Ayiram K.Selvakumar Addl. Govt. Pleader

ORDER

[Order of the Court was made by K.KALYANASUNDARAM, J]

Heard Mr.Antony Arulraj, learned counsel appearing for the petitioner and Mr.Ayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents and perused the averments in the petition.

2.The petitioner has come forward with this writ petition, challenging the impugned order in Notice/ Encroachment/ 2019/ Aa2 dated 06.03.2019 issued by the 1st respondent.

3.The case of the petitioner is that the property measuring an extent of 16500 in Sy.No.173/1A, ward No.AG, Indian Bank Colony in K.Abishegapuram Village, Trichirappalli District was purchased by her husband through a registered sale deed between the years 1978 and 1991. Since then, he has been in possession and enjoyment of



the same. It is further stated that in the year 2014, Trichy Corporation wanted to put up a Water Drainage Channel, abetting her property, however, without conducting proper survey. Hence, she filed a writ petition in W.P.(MD).No.20363/2014.

4.It is further alleged by the petitioner that a survey was conducted and found that the petitioner had not made any encroachment and thereafter, fencing was put up in her property and that the respondents have now issued a notice stating that the compound wall was put up by encroaching a portion of the road.

5.Learned counsel for the petitioner would state that there is no proper description of the property and the name of the petitioner was not reflected in the impugned order. It is further stated that the petitioner submitted her representation on 19.03.2018, but without considering the same, the respondents have proposed to demolish the compound wall.

6.The first respondent, who is present before this Court, has categorically stated that the impugned notice was issued, after conducting a proper survey and the first respondent is ready to consider the representation of the petitioner and also conducting enquiry tomorrow i.e 15.03.2019.

7.Mr.Ayiram K.Selvakumar, learned Additional Government Pleader would state that a Public Interest Litigation has been filed in W.P.(MD).No.23854/2016 by an Association for removal of encroachment and based on the directions issued by this Court, the first respondent has issued a notice for removal of encroachment.

8.Learned counsel for the petitioner would state that the petitioner is ready to appear before the first respondent on 15.03.2019 for enquiry.

9.In the light of the above facts and submissions of the learned counsel on either side, the petitioner is directed to appear before the respondent on tomorrow (15.03.2019) at 10.30 a.m and the first respondent shall conduct an enquiry and pass orders on the representation of the petitioner, dated 19.03.2018 and thereafter, proceed with removal of encroachment. It is made clear that if the petitioner fails to appear before the first respondent, he is at liberty to proceed further as per the impugned notice.

10.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/



To

1. The Assistant Divisional Engineer,
Highways,
Construction and Maintenance
Trichy-620 020.

2. The Tahsildar,
Trichy-620 001.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-54202[F] dated 15/03/2019)

+1 CC to M/s.SPL GP (SR-54520[F] dated 15/03/2019)

VS

DS : 02/04/2019 : 3P/5C

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