



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).Nos.24192 and 24195 of 2019

and

**W.M.P(MD).Nos.20779, 20780, 20781,
20783, 20784 and 20786 of 2019**

Vijaya ... Petitioner in
W.P(MD).No.24192 of 2019
Velu ... Petitioner in
W.P(MD).No.24195 of 2019
Vs.

- 1.The District Collector,
Madurai District,
Madurai-625 020.
- 2.The Commissioner,
Corporation of Madurai,
Madurai-625 002.
- 3.The Assistant Commissioner,
Zone-1, Madurai Corporation,
Madurai City,
Madurai.
- 4.The Tamil Nadu Slum Clearance Board
rep., by its Superintending Engineer,
169, K.K.Nagar Main Road,
Opp., Jawahar Hospital,
Madurai-625 020.
- 5.The Assistant Engineer,
The Public Works Department,
Irrigation Section No.II,
Periyar Vaigai Basin Sub Division No.1,
Madurai-625 002.

... Respondents in
both petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent vide proceedings in Na.Ka.No.Ma1A3/026680/2019 dated 05.11.2019 in which the same was quashed as illegal.



In both petitions

For Petitioners : Mr.R.Karunanidhi

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader
(for R1 & R5)
Mr.Chellapandian
(for R2 & R3)
Mr.P.Mahendiran (for R4)

COMMON ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 and 5, Mr.Chellapandian, learned counsel appearing for respondents 2 and 3 and Mr.P.Mahendiran, learned counsel appearing for fourth respondent.

2.These two writ petitions have been filed for an identical relief challenging the proceedings of the respondent Corporation disconnecting the drainage supply granted to the petitioner's dwelling unit.

3.The reason for passing the impugned order is on account of a direction issued in W.P(MD).Nos.24365 and 24368 of 2019, which was filed by the petitioners. The said writ petitions were disposed of by order dated 12.09.2019. Following the earlier decision and giving liberty to the petitioner to produce all records before the fifth respondent and an observation was made that if there is no records produced to prove that there is an approved plan for the building, the drainage was directed to be disconnected.

4.The petitioners' case is that they have put up only a tiled house and the land was allotted by the Tamil Nadu Housing Board vide allotment order dated 29.03.1993. Therefore, it is submitted that the petitioners cannot be treated as encroachers. When these writ petitions were listed 'for admission', we had granted interim order directing not to disconnect the drainage connection, because it will lead to other complications in the locality.

5.In the light of the stand taken by the petitioners stating that they are the allottees of Tamil Nadu Slum Clearance Board, the fifth respondent shall take into consideration the records produced by the petitioners and examine the contention and then, take a decision in the matter in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



6. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The District Collector,
Madurai District,
Madurai-625 020.

2.The Assistant Engineer,
The Public Works Department,
Irrigation Section No.II,
Periyar Vaigai Basin Sub Division No.1,
Madurai-625 002.

- 1cc to M/s.Special Government Pleader, SR No.101120
- +1cc to Mr.P.MAHENDRAN, ADVOCATE, SR NO 101013
- +1CC TO MR.R.KARUNANIDHI, ADVOCATE SR NO.100668

Writ Petition (MD).Nos.24192 AND 24195 of 2019

22.11.2019

_KK/SAR/10.12.2019/3P-6C/