



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P(MD)NO.24659 OF 2019

and

W.M.P(MD)Nos.21288 and 21289 of 2019

T.Kanagabai

:Petitioner

.vs.

The Commissioner,
Madurai Corporation,
Madurai.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the proceedings of the impugned order in Na.Ka.No.62 A3/08327/19, dated 11.11.2019, on the file of the respondent and quash the same.

For Petitioner

:Mr.G.Prabhu Rajadurai

For Respondent

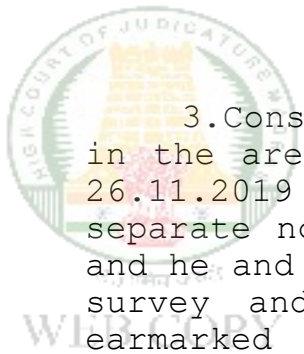
:Mr.R.Murali

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM.,J.**]

The Petitioner has filed this Writ Petition challenging the notice issued by the respondent/Corporation stating that the Petitioner has encroached the road comprised in T.S.No.7 to an extent of 14.1 x 7.7 sq.fts and 12.5 x 9.7 sq.fts. The learned counsel for the Petitioner submitted that no survey was conducted before issuing the impugned notice and in spite of detailed objection given by the Petitioner on 17.11.90, there is an attempt made to forcibly evict the Petitioner.

2.The learned counsel appearing for the respondent Corporation submitted that the encroachment in the road alone is proposed to be removed. If the Petitioner claims that she has patta lands, it is open to the Petitioner to establish the same.



3.Considering these facts, we direct a survey to be conducted in the area in the presence of the Petitioner and her husband on 26.11.2019 at 11.00 a.m.. The Petitioner will not be issued any separate notice because this direction is issued in her petition and he and her husband Mr.Thanishar shall cooperate while making the survey and if there is any encroachment, the same shall be earmarked and the Writ Petitioner shall be given permission to remove the encroachment, failing which, the authorities shall remove the encroachment in the manner known to law.

4.With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

vsn
To

The Commissioner,
Madurai Corporation,
Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-100457[F] dated 22/11/2019)

+1 CC to M/s.R.MURALI, Advocate (SR-100406[F] dated 22/11/2019)

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KK/SAR/22.11.2019/2P-4C/