



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.25216 of 2019

and

WMP (MD) .No.21795 and 21796 of 2019

Iyyerkani

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai

... Respondent

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order issued by the respondent in Na.Ka.No.MSC/Package-6/18-19, dated 22.07.2019 and Na.Ka.No.MSC/Package-6/18-19/01722, dated 14.11.2019 and quash the same.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.T.S.Mohammed Mohideen

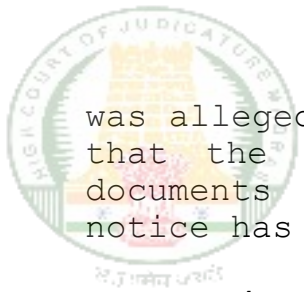
O R D E R

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

Heard Mr.R.Vijayakumar, the learned counsel appearing for the petitioner and Mr.T.S.Mohammed Mohideen, the learned Standing Counsel for the respondent.

2. This Writ Petition has been filed to quash the impugned orders issued by the respondent, dated 22.07.2019 and 14.11.2019.

3. The petitioner aggrieved by the eviction notice issued by the respondent Corporation contending that without any inspection, without measuring the property, all of a sudden, the impugned notice has been issued stating that there is an encroachment to an extent of 12.70 m x 22.80 m. It is pointed out by the learned counsel for the petitioner that when first notice was issued on 22.07.2019 it



was alleged that the encroachment is 12.90 m x 2.70 m. It is stated that the petitioner appeared before the authority and produced documents and without conducting any instruction, the impugned notice has been issued showing a different extent as encroachment.

4. The learned Standing Counsel for the respondent Corporation submits that in those cases inspection was conducted on 26.11.2019 (Yesterday).

5. In identical matters we have not entertained a challenge to the impugned notices, but we have directed the respondent Corporation to measure the property and then take action.

6. In the light of the above, we cannot quash the impugned notice at this stage, but we direct the respondent Corporation to inspect the property in the presence of the petitioner and the petitioner shall be available when the inspection conducted and we direct inspection be conducted on 02.12.2019 at 11.00 a.m., and the petitioner will not be issued any separate notice because, we have fixed the date of inspection in a writ petition filed by the petitioner. After completion of the inspection, encroachment if any, action be initiated by the respondent Corporation in accordance with law.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To
The Commissioner,
Madurai Corporation,
Anna Maligai, Madurai

+1CC TO MR.R.VIJAYAKUMAR, Advocate Sr. No. 10757
+1CC TO MR.T.S.MOHAMED MOHIDEEN, Advocate Sr. No. 101898

W.P. (MD) .No.25216 of 2019
27.11.2019

MR (CO)
TR(28.11.2019) 2P 4C