



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.02.2020
CORAM:

**THE HONOURABLE MR.JUSTICE T.RAJA
AND**

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

**W.P.(MD)No.2787 of 2020
and W.M.P.(MD)No.2363 of 2020**

Ayisha Parvin

... Petitioner

Vs.

1. The Commissioner,
Keelakarai Municipality,
Keelakarai, Ramnad.

2. The Tahsildar,
Keelakarai,
Ramnad.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorari, to call for the records pertaining to the impugned order of the 1st respondent in Na.Ka.No.149/2018/F1 dated 03.02.2020, so far as petition is concerned and to quash the same.

For Petitioner	: Mr.J.M.Hassanul Bazari
For R1	: Mr.A.Kannan
For R2	: Mr.R.Murugan, Additional Government Pleader

ORDER

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

This writ petition has been filed seeking for the issuance of writ of certiorari, to call for the records pertaining to the impugned notice dated 03.02.2020 issued by the 1st respondent and to quash the same.

2. Learned counsel for the petitioner submitted that when the petitioner is in possession and enjoyment of the survey No.596/8, she has not encroached into Survey No.596/7. Therefore, the impugned notice ought not to have been issued by the 1st respondent. On receipt of the said order, the petitioner has given a representation dated 11.02.2020 and the last date for considering the representation falls today, i.e. 12.02.2020. But, the petitioner got an apprehension that without considering her



representation, the respondents may proceed against her. Therefore, the petitioner is before this Court.

3. Learned counsel appearing for the respondents submitted that since the petitioner has encroached the Vallal Seethakathi Road and it is causing public nuisance, the impugned notice has been issued. He further submitted that after measuring the land covered in Survey No.596/6, 596/7, the present notice has been issued with a definite conclusion that the petitioner has encroached into the land covered in Survey No.596/7.

4. Be that as it may, when the petitioner has already given a representation dated 11.02.2020, the same shall be considered by the respondents and after passing a speaking order, the respondents shall proceed further.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Keelakarai Municipality,
Keelakarai, Ramnad.

2. The Tahsildar,
Keelakarai,
Ramnad.

+1 CC to Mr.J.M.HASSANUL BAZARI, Advocate (SR-6246[F] dated 13/02/2020)

+1 CC to Mr.A.KANNAN, Advocate (SR-5925[F] dated 12/02/2020)

+1 CC to SPL.GP (SR-6113[F] dated 13/02/2020)

W.P. (MD)No.2787 of 2020

12.02.2020

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