



WEB COPY

W.P.(MD)Nos.5699, 5703 and 5707 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P (MD)Nos.5699, 5703 and 5707 of 2020

and

W.M.P.(MD)Nos.4966, 4968, 4970, 4972 and 4974 of 2020

Muthumeenal	:Petitioner in W.P.(MD)No.5699 of 2020
Karpagavalli	:Petitioner in W.P.(MD)No.5703 of 2020
Dhanalakshmi	:Petitioner in W.P.(MD)No.5707 of 2020

Vs.

Madurai Corporation,
represented by its Commissioner,
Madurai, Madurai District. : Respondent in all cases

Common Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned Notice issued by the respondent in M3 A8/001047/2020, dated 20.02.20 and quash the same.

For Petitioner	:Mr.S.Karthikeyan
For Respondent	:Mr.S.Chellapandian
	in all cases

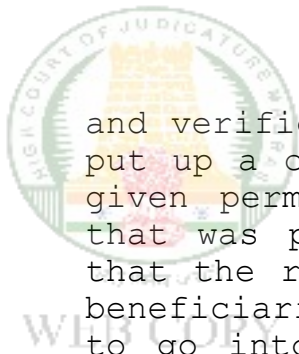
COMMON ORDER

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

These Writ Petitions have been filed by individual challenging the order passed by the respondent directing the occupants to remove the encroachment in respect of a smaller extent of land in a channel poramboke, known as Kiruthumal Nathi, by putting up a construction.

2.The notice is issued in the name of one Nagammal. It is further stated by the petitioners that the said Nagammal was the original owner and that she sold the property in favour of husband of the petitioner in W.P.(MD)No.5699 of 2020. Other two petitioners are her daughters. From the impugned notice issued by the respondent, it is seen that the notification has been issued by the respondent pursuant to the direction of this Court in the earlier Writ Petition for removal of encroachment in water bodies.

3.Be that as it may, the petitioners claim ownership on the basis of title deeds in respect of a specific plot. The grievance of the petitioners is that they have put up constructions by availing the benefit of Central Government scheme. The petitioners were identified as beneficiaries of the scheme, after an inspection



and verification of their title to the property, in which they have put up a construction. It is to be noted that the Corporation has given permission subject to several conditions. From the order, that was passed by the Commissioner, this Court is unable to see that the respondent is aware of any encroachment by any one of the beneficiaries of the scheme. This Court, therefore, is not inclined to go into the issues relating to the title or enjoyment of the property by any of the petitioners in these Writ Petitions.

4.The respondent has issued a notice invoking the power under Sections 236, 256, 257, 258, 472, 473 and 503 of Madurai Corporation Act. The said notice may be treated as show cause notice, so that the petitioner in each Writ Petitions can file their effective objections. After getting objection, it is open to the respondent to pass appropriate orders on merits and in accordance with law. If the respondent has reason to believe that the land being a water body vested with Public Works Department, they can refer the matter to Public Works Department, so that the appropriate authorities can initiate action under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachments Act 2007. If the property is a Government Poramboke land and does not vest with Public Works Department and it is not a water body, it is open to the revenue authorities to initiate action under the provisions of Tamil Nadu Land Encroachments Act. It is the duty of the respondent to see that the unauthorised encroachment in the premises is removed by invoking the power under appropriate statute.

5.In fine, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cmr
To
The Commissioner,
Madurai Corporation,
Madurai, Madurai District.

+3 CC to Mr.S.KARTHIKEYAN, Advocate (SR-12521to 12523[F] dated 19/03/2020)
+1 CC to Mr.S.CHELLAPANDIAN, Advocate (SR-12735[F]dated 20/03/2020)

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