



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.1696 of 2011

and

M.P.[MD]No.1 & 2 of 2011

Pandi

... Petitioner

Vs.

1.The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai,
Madurai - 625 002.

2. The Tamil Nadu Slum Clearance Board,
represented by its Chairman,
Kamarajar Salai,
Chennai.

... Respondents

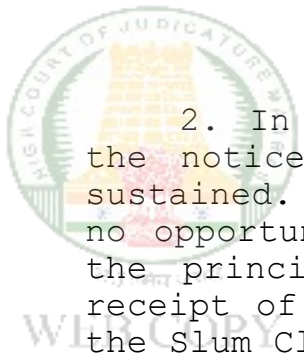
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the proceedings of the 1st respondent dated 28.01.2011 and made in NE7/35210/09, quash the same.

For Petitioner	: Mr.A.Sivasubramanian
For Respondents	: Mr.R.Murali, For R1. Mr.P.Mahendran, For R2. Mr.Babu Rajendran, For proposed party.

O R D E R

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

This Writ Petition has been filed challenging the notice issued by the first respondent namely, the Madurai City Municipal Corporation, alleging that the petitioner is an encroacher of a land, which is stated to be classified as Vaikal Poramboke. The second respondent, the Tamil Nadu Slum Clearance Board who has stated in affidavit sworn to Executive Engineer, Tamil Nadu Slum Clearance Board, Madurai Division, Madurai that the petitioners are allottees of plots in the said lands and not encroachers. It appears that the Madurai Corporation, without even verifying that the Slum Clearance Board has accorded enter upon permission and thereafter, plots have been divided and allotted to the beneficiaries, have issued the impugned notice. Out of 120 beneficiaries, 5 are before this Court.



2. In the light of the stand taken by the second respondent, the notice issued by the first respondent Corporation cannot be sustained. That apart, we find that the notice is a printed format, no opportunity was given to the petitioner and is in violation of the principles of natural justice. Further, we note that after receipt of the Government Order for transfer of the Scheme land to the Slum Clearance Board, land alienation proposal is to be received and as soon as it is received, the sale deed will be executed to the allottees, after payment of cost.

3. In the light of the above, this Writ Petition stands allowed and the impugned order dated 28.01.2011 passed by the first respondent is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/KMM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai, Madurai - 625 002.

2. The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-20824[F] dated 01/07/2021)

+1 CC to M/s.BABU.RAJENDRAN, Advocate (SR-20837[F] dated 01/07/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-20948[F] dated 02/07/2021)

W.P.[MD]No.1696 of 2011
30.06.2021

PM(CO)

KB(23.07.2021) 2P 6C

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