



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

**W.P. (MD) No. 7547 of 2021**

and

**W.M.P. (MD) No. 5721 of 2021**

Karthick

: Petitioner

Vs.

1.Madurai Corporation, Rep. by  
The Commissioner,  
Office of the Commissioner,  
Madurai Corporation,  
Madurai.

2.The District Collector,  
District Collectorate,  
Madurai.

3.The City Engineer,  
Madurai Corporation,  
Madurai.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned notice issued by the third respondent to the petitioner in Ma.Po.2/017222/2020 dated 15.12.2020 and notice in number 'MSCL/Est.Pack-6/18-19' dated 01.03.2021 and quash the same as illegal and consequently allow the petitioner to reside in their Dwelling house located in No.566, Melakara Theru, Vaigai Vadakarai, Puliyanthoppu, Madurai and consequently, direct the respondents not to evict the petitioner.

For Petitioner

:

Mr.R.Alagumani

For Respondents

:

Mr.R.Murali,  
Standing Counsel for R.1 & R.3

Mrs.S.Srimathy,  
Special Government Pleader for R.2



**ORDER**

(Order of the Court was made by **M.M. SUNDRESH, J.**)

This is a second round of litigation filed by the petitioner, after the earlier order passed by this Court in W.P.(MD) Nos. 1869 & 1610 of 2021. By the impugned order, the petitioner was asked to remove the encroachment to facilitate the laying of the road for the Smart City project.

2. Learned Counsel appearing for the petitioner submitted that there are other constructions, which are not touched. However, the learned Standing Counsel appearing for the Corporation submitted that so far as the project is concerned, all other encroachments have been removed except the building of the petitioner. He further submitted that until and unless this encroachment is removed, the ongoing project cannot go on.

3. It appears that the petitioner has not produced any material to substantiate that the property belongs to him. The impugned order has been passed after considering the representation of the petitioner. Now, the removal of encroachment is sought for to complete the Smart City project, by laying of road.

4. In such view of the matter, we do not find any reason to interfere with the order impugned. However, taking into consideration of the facts of the case, four weeks time from the date of receipt of a copy of this order is granted to the petitioner to vacate the premises and hand it over. The petitioner is also at liberty to approach the respondents seeking alternative accommodation and as and when, such a request is made, the same is expected to be considered within a period of four weeks therefrom.

5. In fine, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

gk

To

1. The Commissioner,  
Office of the Commissioner,  
Madurai Corporation,  
Madurai.

2. The District Collector,  
District Collectorate,

<https://hcservices.ecourts.gov.in/hcservices/>



3. The City Engineer,  
Madurai Corporation,  
Madurai.

+1 CC to M/s. SPL GP ( SR-15504[F] dated 08/04/2021 )

**W.P. (MD) No. 7547 of 2021**

RK (22.04.2021) 3P 5C