



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.7968 of 2021

and

W.M.P.[MD]Nos.6075 & 6077 of 2021

Jeyanthi

... Petitioner

Vs.

The Commissioner,  
Thanjavur Corporation Office,  
Thanjavur.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records to quash the 1<sup>st</sup> impugned communication dated 20.02.2021, made in Na.Ka.No.12498/2020/MCF5 and 2<sup>nd</sup> communication dated 22.03.2021 made in Na.Ka.No.12498/2020 MCF3 and quash the same.

For Petitioner : Mr.R.Murali  
For Respondent : Mr.N.Dilip Kumar

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.R.Murali, learned Counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Counsel appearing for the respondent.

3.This Writ Petition has been filed challenging the notice issued by the respondent Corporation, alleging that the petitioner has encroached to an extent of 178 sq. ft., of a land which has been classified as Sarkar Poramboke / Kulam.

4.The learned Counsel for the petitioner submitted that the impugned notice has been issued under Section 258(1) of the Thanjavur Municipal Corporation Act, 2014 [Coimbatore Municipal Corporation Act, 1981] and the respondent Corporation has no jurisdiction to issue the notice. Even as per the impugned notice, the land is Government Poramboke land.



5.Learned Counsel appearing for the respondent Corporation submitted that a Public Interest Litigation was filed by a Trust called Arulmigu Sree Yellaiyamman Kovil Trust in W.P.[MD]No.3558 of 2021, which was disposed of by the Hon'ble First Bench by order dated 24.02.2021, by specifically directing the Commissioner of the Thanjavur Municipal Corporation, to look into the matter and if there is any encroachment, to take action. Therefore, issuance of such notice by the Corporation cannot be faulted. Otherwise, there is a possibility that they will be called up for contempt for disobeying the order in the writ petition.

6.We take note of the submission of the learned Counsel for the Corporation that only a show cause notice has been issued and if the petitioner produces the necessary documents as called for in the notice dated 22.03.2021, the respondent Corporation will verify the same and if it is found that action has to be initiated by some other authorities, the papers will be forwarded to such authorities.

7.In the light of the above, we direct the petitioner to submit her objections to the impugned notice and produce supportive documents based on which she claims right over the property. The objections and documents shall be produced within seven [7] days from the date of receipt of a copy of this order. On receiving the objections and the documents, the respondent Corporation shall examine the same and proceed to take action in accordance with law.

8.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR  
To  
The Commissioner,  
Thanjavur Corporation Office,  
Thanjavur.

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-16233[F] dated 17/04/2021 )

**ORDER MADE IN**  
**W.P. [MD]No.7968 of 2021**  
**17.04.2021**

RK(24.05.2021) 2P 3C

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