



WEB COPY

W.P.(MD)No.10565 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

W.P. (MD)No.10565 of 2021

and

W.M.P. (MD) .No.8224 of 2021

Muthaiah

.. Petitioner

Vs

1. The Commissioner,
Madurai Corporation,
Madurai-625 002.

2. The Assistant Commissioner,
Madurai Zone-4,
Madurai Corporation,
opposite to Madurai Railway Junction,
Madurai-625 001.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorari, to call for the records pertaining to the order passed by the 2nd respondent vide proceedings in Ma4A6/004075/2020, dated 17.06.2021 and quash the same as illegal.

For Petitioner

: Mr.R.Karunanidhi

For Respondents

: Mr.R.Murali
Standing Counsel

ORDER

[Order of the Court was made by

THE HON'BLE CHIEF JUSTICE]

The grievance of the petitioner is that despite the petitioner being in possession of the relevant plot in Ward No.93, Zone-4 of Madurai, the respondents have deemed the petitioner to be an encroacher and have issued notice accordingly. The petitioner claims that voluminous documents evidencing the petitioner's right to continue in possession and the petitioner's title in respect of the property have been disclosed but the impugned notice dated June 17, 2021, has been issued without taking such papers into consideration.

2.Mr.R.Murali, learned standing counsel appearing on behalf of the Madurai Corporation, says that due care and caution has been



taken by the Corporation in issuing the notice. However, the Corporation fairly admits that there is no reference in the impugned notice to the documents that were relied upon by the petitioner. Accordingly, the Corporation accepts that the Corporation will reconsider the matter and pass a more detailed and reasoned order upon fresh consideration of the papers submitted by the petitioner.

3. In view of the fair stand taken by the Corporation, the impugned notice dated June 17, 2021 is set aside and the Madurai Corporation is directed to consider the matter afresh in the light of the documents and papers submitted by the petitioner. A detailed and reasoned order should be passed by the Corporation within a period of six weeks from date upon affording the petitioner a reasonable opportunity of being heard. It is made clear that in the event the Corporation finds that the petitioner has encroached on Corporation or revenue land, immediate appropriate measures need to be taken to remove the encroachment in accordance with law.

4. W.P.(MD).No.10565 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.(MD)No.8224 of 2021 is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/TSG

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 Corporation,
Madurai-625 002.

2. The Assistant Commissioner,
Madurai Zone-4,
Madurai Corporation,
opposite to Madurai Railway Junction,
Madurai-625 001.

+1 CC to M/s.R.MURALI, Advocate (SR-20406[F] dated 28/06/2021)

W.P. (MD)No.10565 of 2021

25.06.2021

KK(02.07.2021) 2P 4C