



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.14998 of 2020

and

W.M.P. (MD)No.12640 of 2020

K.P.M.Ramesh

... Petitioner

Vs.

1.Madurai Corporation,

Rep. by its Assistant Commissioner,

Zone - 2, Madurai Corporation,

Madurai.

2.M.Subramanian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari Mandamus, calling for the records relating to the impugned notice in Mathi2A2/024165/2015, dt. No.10.2020, issued by the 1st respondent and quash the same.

For Petitioner

: Mr.Suriyanarayanan

For Respondent No.1

: Mr.T.S.Mohammed Mohideen
Standing Counsel

ORDER

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

The impugned order has been passed, asking the petitioner to remove the encroachment within one week, as no reply was given.

2.Learned counsel for the petitioner submitted that reply could not given as it was contemplated to file appeal against the order passed in W.P.(MD) No.12515 of 2015, which was based on initiation of the proceedings by a third party. Therefore, one more opportunity may be given to the petitioner, especially, when there is a civil suit pending at the instance of the petitioner against the third party, who filed earlier Writ Petition in W.P.(MD) No.12515 of 2015.

3.Taking into consideration of the above, particularly, the fact that the petitioner deserves one more opportunity of being heard as the proceedings have been initiated at the instance of the third party against whom a civil suit is pending. Therefore, we treat the impugned order as a show cause notice and permit the petitioner to give reply to the same within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, appropriate final order shall be passed on merits and in



accordance with law. It is needless to state that till then, the *status quo* as on date shall be maintained.

The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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.

W.P. (MD)No.14998 of 2020
15.03.2021

SSS(CO)
KB(08.04.2021) 2P 1C