



WEB COPY

W.P(MD)NO.18237 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.18237 OF 2021

and

W.M.P(MD)Nos.15072 and 15073 of 2021

Vijayalakshmi

: Petitioner

.vs.

1.The Commissioner,
Thanjavur Corporation,
Thanjavur.

2.Vinoba @ Saravanan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned proceedings issued by the first respondent in his proceedings in Na.Ka.No.9437/2020/MCF4, dated 22.09.2021 and to quash the same.

For Petitioner : Mr.B.Jameel Arasu
For Respondent-1 : Mr.N.Dilip Kumar
Standing Counsel

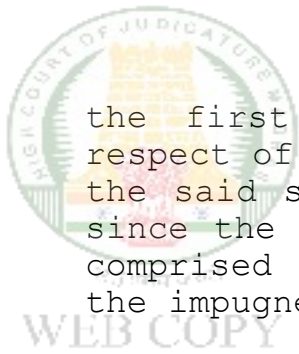
O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records of the impugned proceedings issued by the first respondent, dated 22.09.2021 and to quash the same.

2.It is the case of the Petitioner that she purchased the property comprised in T.S.No.9/1A-1, which is a vacant site measuring an extent of 2485 sq.ft situated at Thanjavur Town, Municipal 6th Ward, 3rd Division, Block No.8, Anna Colony, T.S.9 Part under a registered sale deed, dated 21.10.2009 from one Saravanan, son of Vadivel Senai Kondar.

3.Mr.B.Jameel Arasu, learned counsel appearing for the Petitioner submitted that the Petitioner has also filed a civil suit in O.S.No.80 of 2021, on the file of the District Munsif Court, Thanjavur for permanent injunction in respect of T.S.No.9/1A-1. The learned counsel for the Petitioner submitted that



the first respondent had issued a notice, dated 22.09.2021 in respect of S.No. 8/2 and that the Petitioner is not concerned about the said survey number. The learned counsel further submitted that since the Petitioner is claiming to be the owner of the property comprised in T.S.No.9/1A-1, the first respondent had wrongly issued the impugned notice in respect of S.No.8/2 to the Petitioner.

4.Mr.N.Dilip Kumar, learned Standing Counsel appearing for the first respondent submitted that the first respondent is contemplating to remove the encroachment only in respect of S.No.8/2 and not in respect of T.S.No.9/1A-1. It is needless to say that in the event of the first respondent taking action in respect of T.S.No.9/1A-1, in such case, the Petitioner is entitled to a notice from the first respondent. In the case on hand, since notice has been issued only in respect of S.No.8/2, the Petitioner is not the person aggrieved. Hence the Writ Petition filed by her challenging the impugned notice, dated 22.09.2021 issued in respect of S.No.8/2 is liable to be rejected.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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

The Commissioner,
Thanjavur Corporation,
Thanjavur.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-31564[F] dated 07/10/2021)

W.P (MD)NO.18237 OF 2021

and

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NSN(CO)/RS (22.10.2021) 2P 3C

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