



W.P.Nos.34405, 34409, 34414, 34417 & 34421 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.34405, 34409, 34414, 34417 & 34421 of 2022

and

W.M.P.Nos.33870, 33873, 33876, 33878 & 33881 of 2022

N.Devaki

.. Petitioner
(in W.P.No.34405 of 2022)

S.Thanigaivelan

.. Petitioner
(in W.P.No.34409 of 2022)

Kumari

.. Petitioner
(in W.P.No.34414 of 2022)

K.Ramya

.. Petitioner
(in W.P.No.34417 of 2022)

V.Perumal

.. Petitioner
(in W.P.No.34421 of 2022)

Vs.

The Commissioner / Property Officer,
Tiruthani Municipality,
Tiruthani, Tiruvallur District.

.. Respondent
(in W.P.Nos.34405
& 34409 of 2022)

The Commissioner / Estate Officer,



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Tiruthani Municipality,
Tiruthani, Tiruvallur District.

.. Respondent
(in

W.P.Nos.34414,

34417 & 34421 of 2022)

Prayer in W.P.No.34405 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent from evicting and demolishing the petitioner's house situated in Door No.92, Kandan Nagar, Chennai Bye-Pass Road, Thiruthani – 631 209, Tiruvallur District.

Prayer in W.P.No.34409 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent from evicting and demolishing the petitioner's house situated in Door No.18/2, Mullai Nagar, Chennai Bye-Pass Road, Thiruthani, Tiruvallur District.

Prayer in W.P.No.34414 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent from evicting and demolishing the petitioner's house situated in Door Old No.10, Mullai Street, Kandan Nagar, Chennai Bye-Pass Road, Thiruthani – 631 209, Tiruvallur District.

Prayer in W.P.No.34417 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent from evicting and demolishing the petitioner's house situated in S.No.58/1B, Mullai Street, Kandan Nagar, Chennai Bye-Pass Road, Thiruthani – 631 209, Tiruvallur District.



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Prayer in W.P.No.34421 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent from evicting and demolishing the petitioner's house situated in Door No.96, Mullai Street, Kandan Nagar, Chennai Bye-Pass Road, Thiruthani – 631 209, Tiruvallur District.

(In all the cases):

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.P.Srinivas

COMMON ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The petitioners have come out with the present Writ Petitions forbearing the respondents from evicting and demolishing their house.

2.The relief sought for in all the Writ Petitions are similar and hence, all the Writ Petitions are disposed of by this common order.

3.By consent of both the learned counsel appearing for the petitioners as well as Mr.P.Srinivas, learned counsel who takes notice for the respondents, these Writ Petitions are taken up for final disposal at the admission stage itself.



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4. According to petitioners, the petitioners purchased the property in question on 31.03.1989, 30.08.1990, 11.09.1989 and 25.10.1999 respectively and the mother of petitioner in W.P.No.34417 of 2022 purchased the property in question in the year 1990 and constructed their houses after obtaining building permission and approval. The respondent Municipality assessed the property tax for the building and the petitioners are regularly paying the property tax to the respondent Municipality. The pattas are also issued in favour of the petitioners. While so, the respondent issued notice dated 18.11.2022, calling upon the petitioners to submit an explanation as to why they should not be removed as they have encroached the property earmarked for park in DTCP No.87/38. According to petitioners, they have not encroached the park and not constructed any building in the property allotted for the public purpose.

5. The learned counsel appearing for the petitioners submitted that all the petitioners submitted explanation to the notice dated 18.11.2022 issued by the respondent along with building approval granted to them by the respondent and also the property tax receipts. The petitioners also appeared in person and explained and sought for copy of the approval of



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the layout in DTCP No.87/38. The respondent without furnishing copy of the same and without considering the explanation submitted by the petitioners, has taken steps to demolish the petitioners house. Hence, the petitioners have come out with the present Writ Petitions.

6.Mr.P.Srinivas, learned counsel appearing for the respondents submitted that the petitioners encroached the properties earmarked for the public purpose namely park and hence, notice dated 18.11.2022 was issued to the petitioners. The petitioners explanation will be considered within the time limit prescribed by this Court and prayed for dismissal of the Writ Petitions.

7.Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondents and perused the entire materials on record.

8.Considering the above submissions of the learned counsel appearing for the petitioners that the petitioners purchased the property long back from the year 1989, 1990 & 1999, constructed the house after obtaining planning approval and houses are assessed for property tax and



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the petitioners are paying property tax regularly from 2002, 1997, 1989, 2009 and 1999, the respondents are directed to consider the explanation of the petitioners in W.P.Nos.34405, 34409, 34414, 34417 & 34421 of 2022 dated 05.12.2022, 05.12.2022, 05.12.2022, 12.12.2022 & 05.12.2022 respectively and pass orders after giving opportunity of personal hearing to the petitioners, within a period of three months from the date of receipt of a copy of this order. Till such time, the respondents are restrained from taking any coercive steps based on the notice dated 18.11.2022 against the petitioners.

9. With the above directions, all the Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(V.M.V., J) (R.H., J)
22.12.2022

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Index : Yes / No
Internet : Yes / No

To

1. The Commissioner / Property Officer,

<https://www.mhc.tn.gov.in/judis>



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Tiruthani Municipality,
Tiruthani, Tiruvallur District.

2.The Commissioner / Estate Officer,
Tiruthani Municipality,
Tiruthani, Tiruvallur District.

V.M.VELUMANI, J.
and

R.HEMALATHA, J.



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