



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)Nos. 3813 & 3817 of 2022

and

W.M.P. (MD) Nos. 3312 & 3317 of 2022

W.P.(MD) No. 3813 of 2022

Dr.P.Kandhapalanivel

.. Petitioner

Vs

1.The District Collector,
New Collector Office,
Nagapattinam-Coimbatore- Gundlupet Hwy,
Thanjavur - 613 010.

2.The Commissioner,
Thanjavur Corporation,
Gandhiji Road,
Thanjavur - 613 001.

.. Respondents

Prayer of W.P.(MD). No.3813 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the records of the impugned general notice dated 11.10.2021 published in 'Thinathanthi' newspaper by the 2nd respondent vide Na.Ka.No.7019/2015/MCA4 and quash the same as illegal.

For Petitioner : Mr.S.Venkatesan

For Respondents : Mr.K.Balasubramani

Special Government Pleader for R1

Mr.N.Dilip Kumar

Standing Counsel for R2

W.P.(MD) No. 3817 of 2022

V.Elangovan

.. Petitioner

Vs

1.The District Collector,
District Collector Office,
Thanjavur - 613 010.



2.The Commissioner,
Thanjavur Municipal Corporation,
Gandhiji Road, Thanjavur - 613 001.

3.The Tahsildar,
Taluk Office,
Thanjavur.

4.The Project Officer,
Thanjavur Smart City Project,
Thanjavur Municipal Corporation,
Thanjavur.

.. Respondents

Prayer of W.P.(MD). No.3817 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 18.10.2021 and 26.02.2022 in the light of 1st respondent's letter in Na.Ka.No.A2/210/2021 dated 22.11.2021 and pass Suitable order in accordance with law within the time limit.

For Petitioner : Mr.S.Bharathy Kannan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1 & R3

Mr.N.Dilip Kumar
Standing Counsel for R2

For R4 : No Appearance

COMMON ORDER

[Made by PARESH UPADHYAY, J.]

These two petitions are filed challenging the general public notice issued by the respondent - Thanjavur Municipality calling upon the public at large to remove the encroachment, if they have done so.

2. The petitioner of W.P.(MD) No. 3813 of 2022 is a Doctor, who runs clinic and the petitioner of W.P.(MD).No. 3817 of 2022 is an advocate who is having his office in a three-storey building which is a commercial place. Both the learned advocates for the petitioners have jointly declared that the buildings, in which they are working are not encroachment.

3. We do not find any contest between the petitioners and State Authorities. According to the petitioners they are not the encroachers. According to respondent State Authorities, they are not



going to touch any one, who is not an encroacher. Therefore no direction would be required from this Court. In any case, the foundation of the petition is general public notice. In the event, the petitioners are served with any notice, if at all they are encroachers, it is open to them to have recourse to law.

4. For the above reasons, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions would not survive.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
New Collector Office,
Nagapattinam-Coimbatore- Gundlupet Highway,
Thanjavur - 613 010.

2.The Tahsildar,
Taluk Office,
Thanjavur.

3.The Commissioner,
Thanjavur Corporation,
Gandhiji Road, Thanjavur - 613 001.

4.The Project Officer,
Thanjavur Smart City Project,
Thanjavur Municipal Corporation, Thanjavur.

+2 CC to M/s.N.DILIPKUMAR, Advocate (SR-9872[F]&SR-9874[F] dated 03/03/2022)

+1 CC to M/s.S.Bharathy Kannan, Advocate (SR-9624[F]dated 03/03/2022)

+1 CC to M/s.SPL GP (SR-9775[F]& SR-10192[F]dated 03/03/2022)

W.P(MD)Nos. 3813 & 3817 of 2022
02.03.2022

MGJ(17.03.2022) 3P 9C

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