



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No. 9364 of 2022

and

W.M.P. (MD) No. 6721 of 2022

M.Radhakrishnan

.. Petitioner

Vs.

1. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

2. M.Solaisekaran

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the notice Na.Ka.2464/2016/F.1 dated 21.04.2022 issued by the first respondent and quash the same.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.D.Gandhiraj

Special Government Pleader for R1

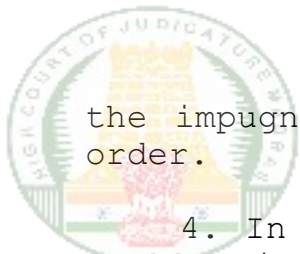
O R D E R

[Order of the Court was made by **T.RAJA, J.**]

The petitioner has come to this Court challenging the correctness of the impugned order, dated 21.04.2022, passed by the first respondent / Commissioner calling upon the petitioner to remove the encroachment put up by him, within 7 days, failing which, the first respondent will do the removal work at the cost of the petitioner.

2. Learned counsel appearing for the petitioner by producing the photographs would submit that there is no encroachment put up by the petitioner and only for the reason that the petitioner has refused to pay the illegal demand made by the staff working in the first respondent office, this impugned notice has been issued. Without giving any prior notice, the impugned order has been issued by the first respondent with oblique and malafide motive.

3. We are unable to find any merit on the submission made by the learned counsel for the petitioner. It is seen from the photographs enclosed in the typed set of papers that the petitioner had put up a construction by encroaching the street and therefore,



the impugned order served upon the petitioner, in our view, is in order.

4. In view of the above, the writ petition is dismissed and a week's time is granted to the petitioner to remove the encroachment made by him, failing which, the first respondent is at liberty to remove the encroachment at the cost of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

am / vji

To
The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-23475[F]
dated 06/05/2022)

W.P. (MD) No. 9364 of 2022

and

W.M.P. (MD) No. 6721 of 2022

06.05.2022

CK (CO)

GC (24.05.2022) 2P 3C