



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. 9443 of 2022

and

W.M.P. (MD) No.6770 of 2022

Ramesh

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Aringnar Anna Maligai,
Madurai-625 002.

2.The Assistant Commissioner,
Zone No.1, Madurai Corporation,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

4.The Executive Engineer (Planning),
Madurai Corporation, Madurai.

5.The Assistant Executive Engineer (Planning),
Zone 1, Madurai Corporation,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the entire records relating to the impugned order, dated 21.04.2022 passed by the second respondent in so far as directing the petitioner to remove the structure in Town Survey No.38, Ward No.14, Shankar Nagar 3rd Street, Madurai and set aside the same as illegal.

For Petitioners : Mr.K.Sathish Kumar

For Respondents : Mrs.Devasena

For R1, R2, R4 & R5

For R3 : Mr.D.Gandhiraj

Special Government Pleader



O R D E R

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

The present writ petition has been filed to quash the impugned order, dated 21.04.2022 passed by the second respondent.

2. The petitioner has come to this Court questioning the correctness of the impugned order, dated 21.04.2022, in which, it has been clearly mentioned by the second respondent/Assistant Commissioner, Madurai, that the petitioner has encroached the Grama Natham street, and therefore, he has been directed to remove the said encroachment within a period of 15 days.

3. The learned counsel appearing for the petitioner would submit that no notice has been issued. We asked what is the explanation for encroachment and in reply, he stated that there are several other persons have encroached in the same street but the second respondent only pick up the petitioner and not chosen to remove the other encroachers.

4. We find no justification in the writ petition and hence, this petition is dismissed and the second respondent shall take uniform action to all encroachers. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

am / vji

To

1.The Commissioner,
Madurai Corporation,
Aringnar Anna Maligai,
Madurai-625 002.

2.The Assistant Commissioner,
Zone No.1, Madurai Corporation,
Madurai.



3.The Tahsildar,
Madurai North Taluk,
Madurai District.

4.The Executive Engineer (Planning),
Madurai Corporation,
Madurai.

5.The Assistant Executive Engineer (Planning),
Zone 1, Madurai Corporation,
Madurai.

+1 CC to M/s.K. SATHISHKUMAR, Advocate (SR-23597[F] dated
09/05/2022)

W.P. (MD) No. 9443 of 2022

and

W.M.P. (MD) No.6770 of 2022

06.05.2022

SS/16.05.2022 : 3P/7C