



W.P.(MD) No.21218 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21218 of 2022

and

W.M.P.(MD)Nos.15420 and 15421 of 2022

A.Mayilerumperumal

... Petitioner

-Vs-

1.The Director of Survey and Settlement,
Government of Tamil Nadu,
Chepauk, Chennai-600 005.

2.The District Collector,
Tuticorin District, Collectorate,
National Highway 7A,
PSP Nagar, Korampallam,
Tuticorin-628 101.

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3.The Commissioner Cum Special Officer,
Tuticorin City Municipal Corporation,
Tuticorin-628 101.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.2071/F1/Me.Ma./2021, dated 11.01.2022, on the file of the 3rd respondent herein, and to quash the same and direct the 3rd respondent to delete the entry in the Town and Survey Register relating to the sub-divisions effected over the lands bearing T.S.Nos.289/1A and 289/1B, and restore the same to its original entry as the lands bearing T.S.No.289 to an extent of 230 sq.meter in Block No.8B, Sivanthakulam Ward-2 in Tuticorin City Municipal Corporation, within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For R1 & R2 : Mr.N.GA.Nataraj,
Government Advocate

For R3 : Mr.N.Ananda Kumar

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the eviction notice dated 11.01.2022 issued by the 3rd respondent in Na.Ka.No.2071/F1/Me.Ma./2021, this Writ Petition is filed with a consequential direction to the 3rd respondent to delete the entry in the Town and

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Survey Register relating to the sub-divisions effected over the lands bearing T.S.Nos.289/1A and 289/1B and restore the same to its original entry as the lands bearing T.S.No.289 to an extent of 230 sq.meter in Block No.8B, Sivanthakulam Ward-2 in Tuticorin City Municipal Corporation, within a time frame.

2.Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that though the petitioner had already filed objections to the impugned notice dated 11.01.2022 and now, he wants to file additional objections to the same.

3.In reply, the learned Government Advocate for the respondents 1 and 2 submitted that the objections already filed as well as the additional objections to be filed by the petitioner would be considered on merits and appropriate action would be taken for removal of the encroachment, if any, after issuing notice to all the parties concerned and by following due process of law, within a time frame.

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4. In view of the above, without going into the merits of the case, this Court permits the petitioner to file additional objections to the impugned notice dated 11.01.2022 within a period of three (3) weeks from the date of receipt of a copy of this order. On receipt of such additional objections, the authorities concerned are directed to consider the same and then take appropriate action for removal of the encroachment, if any, in the place in question, after affording sufficient opportunity of hearing to all the parties concerned and by following due process of law, within a period of four weeks thereafter.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] & [J.S.N.P., J.]

16.11.2022

Index : Yes / No
Internet : Yes / No
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