



W.P.(MD)No.25903 of 2022

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.25903 of 2022
and W.M.P.(MD) No.20037 of 2022

B.Jeyanthi

... Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Kamarajar Salai,
Trichy City – 620 001.

2.The Assistant Commissioner,
(III Zonal),
Pasumalai Zone,
TVS Tolgate, Opp to Circuit House,
Trichy City.

3.P.Srinivasan

4.S.Ragunathan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent in Proceedings No.Nil dated 11.11.2022 and quash the same.

For Petitioner

: Mr.N.Mohideen Basha



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For Respondents 1 & 2 : Mr.R.Baskaran
Standing Counsel

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, challenging the impugned impugned proceedings issued by the 2nd respondent, dated 11.11.2022.

2. Heard Mr.N.Mohideen Basha, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 3 and 4 is dispensed with.

4. The petitioner has challenged the notice issued by the 2nd respondent, dated 11.11.2022, directing her to remove the encroachment in S.No.16/2A, Ellakudi Village, Ward No.39,



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Tiruchirappalli Corporation Zone - 3, on the ground that before asking her to remove the encroachment, she was not issued with any notice.

5. The learned Standing Counsel appearing for the respondents 1 and 2 fairly submitted that the second respondent has failed to issue notice to the petitioner as directed by this Court in W.P.(MD) No.21133 of 2022, dated 05.09.2022.

6. Such an act of the second respondent cannot be countenanced. However, in order to give a quietus to the issue, the second respondent is directed to issue notice to the petitioner within a period of one week from the date of receipt of a copy of this order and the petitioner is directed to give her objections for the same within a period of two weeks from the date of receipt of such notice. Thereafter, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law. After considering the objections to be filed by the petitioner, if the authorities still find any encroachment in the place in question, they are directed to proceed further for removing the encroachment, after affording an opportunity of hearing to the



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petitioner and any other parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
16.11.2022

Internet : Yes / No
Index : Yes / No
sj



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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