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W.P.No.21422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21422 of 2023

Ayesha Bai

...Petitioner

Vs.

Mettupalayam Municipality,
Rep. by its Commissioner,
Mettupalayam,
Coimbatore – 641 301

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to consider the representation dated 08.08.2022 and pass final orders pursuant to the enquiry dated 09.09.2022 seeking removal of illegal fencing made in petitioner land.

For Petitioner : Mr.Muthumani Doraisami

For Respondent : Mrs.S.Anitha
Special Government Pleader



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ORDER

The petitioner has come up with this writ petition seeking a direction to the respondent Municipality to consider her representation dated 08.08.2022 and pass final orders pursuant to the enquiry dated 09.09.2022.

2. According to the petitioner, she purchased 41 $\frac{1}{4}$ Cents comprised SF.No.420/Part in Sikkadhasapalayam Village, Mettupalayam Taluk and Coimbatore District under registered sale deed dated 19.11.1990. The revenue records like Chitta and Adangal stands in the name of the petitioner. It is also stated that the petitioner paid the vacant land tax to the respondent Municipality for all these years. Adjacent to the petitioner's land, there is a children's park and the same was encroached by some third parties. When the said encroachment was brought to the notice of the respondent, the respondent in the process of clearing the encroachment in the said children's park, also directed the petitioner to vacate her own patta land. During December 2021, the respondent fenced the children's park adjacent to the petitioner's property and they wantonly extended the fencing to the petitioner's property without her knowledge and also erected a board as if the entire land encircled with fence



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including petitioner's land belonging to the respondent Municipality.

Therefore, the petitioner sent a representation to the respondent on 08.08.2022, asserting her right and title over the said property and requested the respondent to remove the fence put up by them.

3. In response to the representation made by the petitioner, the respondent issued a notice on 29.08.2022, calling upon the petitioner to appear for enquiry on 09.09.2022. The petitioner appeared before the respondent with all her documents to substantiate her right over the above said land. Though the respondent conducted an enquiry on 09.09.2022, till date no final order has been passed on the representation made by the petitioner. Therefore, the petitioner has come before this Court.

4. Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondent Municipality.

5. In view of the limited prayer made by the petitioner in this writ petition without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the respondent to consider the



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representation of the petitioner dated 08.08.2022 and pass final orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner within a period of six (6) weeks from date of receipt of a copy of this order.

6.With the above direction, the writ petition stands disposed of. No costs.

20.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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Note:Issue order copy on 24.07.2023

To

Mettupalayam Municipality,
Rep. by its Commissioner,
Mettupalayam,
Coimbatore – 641 301



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S.SOUNTHAR, J.
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