



W.P.Nos.2114, 2120, 2122,
2126 & 2131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition Nos.2114, 2120, 2122, 2126 & 2131 of 2023

Nanthagopal	..	Petitioner in WP No.2114/23
Karthi	..	Petitioner in WP No.2120/23
Lakshmi	..	Petitioner in WP No.2122/23
Meenatchi	..	Petitioner in WP No.2126/23
Bhakkiyam	..	Petitioner in WP No.2131/23

Vs.

The Executive Engineer (Planning) Coimbatore Corporation Coimbatore.	..	Respondent
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Prayer: Writ Petitions under Article 226 of the Constitution of India
praying for a writ of Certiorari calling for the records relating to the



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order passed by the respondent in Na.Ka.No.8274/2022/H2/E dated 18.11.2022 and quash the same.

For the Petitioners : Mr.N.Chinnaraj
For the Respondent : Mr.D.Ferdinand
Standing Counsel

ORDER

(Made by the Hon'ble Acting Chief Justice)

These writ petitions have been filed challenging the order of the respondent dated 18.11.2022 made in Na.Ka.No.8274/2022/H2/E requiring the petitioners to vacate the encroachment made by them.

2. Learned counsel for the petitioners submitted that the petitioners belong to economically weaker section and that they do not own any house or land except the house where they are residing except the petitioner in W.P.No.2114 of 2023. He further submitted that as regards the petitioner in W.P.No.2114 of 2023, he owns mutton shop and that he does not own any house or land except the mutton shop.



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3. Learned counsel for the petitioners contended that the impugned notice requiring the petitioners to vacate the encroachment made by them within 15 days from the date of receipt of the impugned notice, without issuing a show cause notice, is in violation of the principles of natural justice and therefore, the same is liable to be set aside.

4. Learned Standing Counsel appearing for the respondent Corporation submitted that a proposal for allotment of alternative site has already been sent for approval for the petitioners, except the petitioner in W.P.No.2114 of 2023, as the petitioner in W.P.No.2114 of 2023 is neither running a shop nor residing in the place in question.

5. A perusal of the impugned notice would disclose that the petitioners have encroached the land of the respondent Corporation and have constructed house with ACC sheet roofing causing hindrance to the public. Further, in view of the submission made by learned counsel for the respondent Corporation that all the petitioners, except



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the petitioner in W.P.No.2114 of 2023, would be allotted alternative site and that the petitioner in W.P.No.2114 of 2023 does not run the mutton shop nor reside in the place in question, we do not find any merit in these writ petitions. Accordingly, these writ petitions are dismissed. There will be no order as to costs. Consequently, WMP Nos.2199, 2201, 2206, 2207, 2211, 2213, 2215, 2216, 2219 and 2220 of 2023 are also dismissed.

(T.R., ACJ.) (D.B.C., J.)
31.01.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Executive Engineer (Planning)
Coimbatore Corporation
Coimbatore.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J
(kpl)

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