



W.P.(MD) Nos.2447 to 2452 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.2447 to 2452 of 2023

and

W.M.P.(MD)Nos.2219 to 2230 of 2023

Kuppusamy

... Petitioner in
W.P.(MD)No.2447/2023

Balu @ Balamurugan

... Petitioner in
W.P.(MD)No.2448/2023

K.Ramachandran

... Petitioner in
W.P.(MD)No.2449/2023

Chokalingam

... Petitioner in
W.P.(MD)No.2450/2023

Nagendran

... Petitioner in
W.P.(MD)No.2451/2023



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... Petitioner in
W.P.(MD)No.2452/2023

Vs.

- 1.The Tiruchirappalli Corporation,
Rep. by its Commissioner,
Tiruchirappalli.
- 2.The Assistant commissioner,
Zone 5, Tiruchirappalli Corporation,
Tiruchirappalli.

... Respondents in
all W.Ps.

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.3977/2001/F1, dated 09.01.2023, quash the same.

For Petitioner : Mr.R.Subramanian
(In all W.Ps) for Mr.M.Saravanan

For Respondents : Mr.R.Baskaran,
(In all W.Ps) Standing Counsel.



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COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned orders passed by the 2nd respondent in Na.Ka.No.3977/2001/F1, dated 09.01.2023, the petitioners have filed this Writ Petitions.

2. Heard Mr.R.Subramanian, learned counsel on behalf of Mr.M.Saravanan, learned counsel appearing for the petitioners and Mr.R.Baskaran, learned Standing Counsel, who takes notice of the respondents Corporation.

3. By consent, the Writ Petitions are taken up for final disposal at the admission stage itself.



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4. The learned counsel appearing for the petitioners submitted that the petitioners have owned lands in South Vellala Street, Pandamangalam, Tiruchirappalli. Since the respondents tried to disturb the possession, the parents of the petitioners and other residents have jointly filed O.S.No.1192 of 2001 on the file of District Munsif Court, Trichirappalli, for permanent injunction and in the said suit, an interim injunction was granted. He further submitted that the said suit is still pending. At this stage, the 2nd respondent has passed the impugned orders, directing the petitioners to vacate the premises within seven days. He further submitted that without issuing any show cause notices, the 2nd respondent has passed the impugned order and therefore, the same are liable to be dismissed.

5. At this juncture, the learned Standing counsel appearing for the respondents Corporation fairly submitted that the impugned notices may be treated as show cause notices and the petitioners may be directed to submit their objections, which will be considered by the authorities concerned and only then,



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appropriate action will be taken for removal of encroachment, if any, in the place in question.

6. Recording the said submissions, we are inclined to pass the following order:

1) the impugned orders dated 09.01.2023, passed by the 2nd respondent are treated as show cause notices;

2) the petitioner are directed to file their objections / reply to the same before the 2nd respondent, along with all supporting materials, within a period of two (2) weeks from the date of receipt of a copy of this order;

3) after receipt of the same, the 2nd respondent shall consider such objections and pass appropriate orders in accordance with law within a period of four [4] weeks thereafter; and

4) If there is any encroachment, the 2nd respondent is directed to remove the same, without any further delay.



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WEB COPY 7. With the above directions, the Writ Petitions are disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]

07.02.2023

NCC : Yes / No

Index : Yes / No

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To

- 1.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.
- 2.The Assistant commissioner,
Zone 5, Tiruchirappalli Corporation,
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