



W.P.(MD) No.3611 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3611 of 2023

and

W.M.P.(MD)No.3358 of 2023

A.Aiyavu

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Administrative Engineer (Plan),
5th Zone, Madurai Corporation,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the



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impugned notice issued by the 2nd respondent in File No.E1/004049/2022 dated 03.01.2023, and quash the same and consequently restraining the respondents from demolishing some portion of the petitioner's house and compound wall situated in a portion of Survey No.104/1B1, (P)/T.S.No. 83, at Door No. 139, Srinivasa Road, T.V.S. Nagar, Ward No. 73, Madurai

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mrs.R.Devasena,
Standing Counsel

ORDER

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

Challenging the impugned notice issued by the 2nd respondent in File No. E1/004049/2022 dated 03.01.2023, the petitioner has filed this Writ Petition with a consequential direction to restrain the respondents from demolishing some portion of the petitioner's house and compound wall situated in a portion of Survey No.104/1B1, (P)/T.S.No. 83, at Door No. 139, Srinivasa Road, T.V.S. Nagar, Ward No. 73, Madurai.



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2. Heard Mr.S.Sathya Chidambaram, learned counsel for the petitioner and Mrs.R.Devasena, learned Standing Counsel, who takes notice on behalf of the respondents.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that without providing opportunity to the petitioner, the respondent has passed the impugned eviction order dated 03.01.2023 and therefore, on this ground, the impugned order is liable to be set aside.

5. The learned Standing Counsel appearing for the respondents Corporation submitted that the property in question will be surveyed in the presence of the petitioner and after providing opportunity to the petitioner, necessary orders will be passed in accordance with law, within a stipulated time.



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6. In view of the above submissions, we direct the respondents Corporation to conduct a survey in the property in question in the presence of the petitioner and if there is any encroachment in the land in question, the respondents Corporation is directed to take necessary action for removal of encroachment, after providing opportunity to all the parties concerned and by following due process of law, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]

22.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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