



W.P.(MD)No.6573 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.6573 of 2023
and
W.M.P.(MD)Nos.6237 & 6239 of 2023

S.Devaki

... Petitioner

Vs.

1.The Commissioner,
Karaikudi Municipality,
Sivagangai District.

2.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice of the first respondent dated 07.03.2023 in Na.Ka.No. 684/2023/F1 and quash the same and consequently, directing the respondents not to resort to demolition without due process of law.



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For Petitioner : Mr.R.Muruga Boopathy

For Respondents : Mr.S.P.Maurya
Standing Counsel for R1

: Mr.K.Balasubramani
Special Government Pleader for R2

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the Karaikudi Municipality and the learned Special Government Pleader appearing for the second respondent.

2. The local body had issued the impugned notice dated 07.03.2023 calling upon the petitioner to remove the encroachment committed by her on a water body.

3. When the matter was taken up for hearing, we indicated that since the encroachment on the water body appears to be obvious and evident, we are not inclined to interfere with the impugned notice. The petitioner thereafter filed an affidavit requesting reasonable time to remove the encroachment. The petitioner seeks four months to remove the encroachment.

4. The learned standing counsel states that 60 days will be more enough. We grant three months time to the petitioner to remove the offending encroachment. The order impugned in the writ petition is sustained. The petitioner is given three months time to remove the encroachment.



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5. The Writ Petition is dismissed with the aforesaid concession. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
18.04.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

The Tahsildar,
Karaikudi Taluk,
Sivagangai District.



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