



W.P.(MD)No.7609 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.7609 of 2014
and M.P.(MD) No.1 of 2014

C.Sikkayae

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Municipality Engineer,
Commissioner (In-charge),
Thuraiyur Municipality,
Tiruchirappalli District.

3.The Tahsildar,
Thuraiyur Taluk Office,
Tiruchirappalli District.

4.A.Santhi

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent vide Na.Ka.No. F1/1748/2014 dated 17.04.2014



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and quash the same and consequently directing the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the dwelling house situated at Door No. 22-A, South Car Street, Thuraiyur, Trichy District.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader for R1 & R3

No appearance for R2

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The notice issued by the Commissioner, Thuraiyur Municipality, in proceedings dated 17.04.2014 is under challenge in the present Writ Proceedings.

2. It is not in dispute that the petitioner has encroached upon the public road and other unauthorized constructions are also identified in the said road. Thus, the 2nd respondent issued notice to the encroachers for the purpose of removing the same.

3. Learned counsel for the petitioner mainly contended that no show cause notice was issued before passing the impugned order and therefore, there is violation of principles of natural justice.



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4. The order itself states that the petitioner has to vacate the objectionable road encroachments within a period of one week, failing which the Municipality will initiate further actions. However, on account of efflux of time, we grant two weeks time to the petitioner to submit his explanations/objections to the second respondent and on receipt of the same the second respondent shall look into the reasons and thereafter, remove the encroachments and maintain the public road for the use of public at large. However, the petitioner has not made out any ground for the purpose of interference of this Court.

5. Accordingly, the Writ Petition stands dismissed. If at all the petitioner is a homeless poor person, she is at liberty to submit an application before the competent authorities, seeking alternative accommodations under the Government welfare schemes. While considering such applications, eligibility criteria and the conditions stipulated by the Government Schemes are to be scrupulously followed. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
31.10.2023

NCC : Yes / No
Index : Yes / No
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

To

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
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