



W.P.(MD).No.22471 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.22471 of 2017
and
W.M.P.(MD).No.18777 of 2017

J.Farida Begum

.. Petitioner

Vs.

1.The Commissioner,
Melur Municipality,
Melur Taluk,
Madurai District.

2.S.Nallakkani

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, by calling for the records relating to the impugned order in Na.Ka.No.612/2017/F1 dated 22.11.2017 on the file of the respondent herein addressed to the petitioner and to quash the same as illegal and arbitrary.



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For Petitioner : Mr.V.Kishok Kumar
For R-1 : Mr.S.Kameswaran
Government Advocate
For R-2 : Mr.A.Hajamohideen

ORDER

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

The notice dated 22.11.2017 issued by the Commissioner, Melur Municipality, Madurai District is under challenge in the present Writ proceedings.

2. The learned Government Advocate appearing on behalf of the first respondent made a submission that the notice to evict the encroachment was issued pursuant to the directions issued by this Court on 30.08.2017 in W.P. (MD).No.13846 of 2017. Therefore, there is no infirmity and the Writ Petition is to be rejected.

3. The learned counsel for the petitioner states that no opportunity has been given to the petitioner. Further, he states that the petitioner is not an encroacher and the second respondent is an encroacher.



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4. In view of the above, the first respondent is directed to conduct survey and if any encroachments are identified, then such encroachments are to be removed, after affording opportunity to the parties. The petitioner is at liberty to submit her objections/explanations along with the documents, if any, within a period of one (1) week from the date of receipt of a copy of this order. The respondents are directed to take action and complete the same within a period of twelve (12) weeks thereafter.

5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
27.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
The Commissioner,
Melur Municipality,
Melur Taluk,
Madurai District.



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