



WEB COPY

W.P.No.7204 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.7204 of 2020

and

W.M.P.No.8608 of 2020

R.Irudaiya Mary

... Petitioner

Vs.

1.The Commissioner,
Krishnagiri Municipality,
Krishnagiri.

2.The Town Planning Authority,
Krishnagiri Municipality,
Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein pertaining to the temporary order dated 11.03.2020 made in A.Pe.Ka.No.14/2010/F-1 and as well as the consequential impugned Notice dated 11.03.2020 made in Na.Ka.No.8320/2006/F-1 and quash the same and further direct the respondents herein not to disturb the petitioner's peaceful possession and enjoyment of her property bearing Door No.15/11,



Santhi Nagar, 1st Cross Street, Krishnagiri Town morefully comprised in T.S.No.79/2 located in Ward – A Block 22 of Krishnagiri Municipal Town.

For Petitioner : Mr.P.M.Duraiswamy
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The show cause notice issued under Sub Section 2 to Section 216 of the Tamil Nadu District Municipalities Act by the Commissioner, Krishnagiri Municipality and the notice dated 11.03.2020 for removal of encroachment are under challenge in the present writ petition.

2. The competent authorities of the Krishnagiri Municipality identified road encroachments and unauthorised construction and consequently issued a notice under the provisions of the Tamil Nadu District Municipality Act.

3. The learned counsel for the petitioner would submit that the petitioner is not an encroacher and she has constructed a car shed in her own



land and therefore, the notice is untenable and it is to be set aside.

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4. High Court in a writ proceeding cannot decide the disputed facts relating to title and ownership. The authorities after conducting survey identified the encroachments and further found unauthorised constructions and consequently, issued notice under Tamil Nadu District Municipalities Act.

5. The petitioner is entitled for an opportunity to establish his case. Thus, we are inclined to grant 10 days time to the petitioner to submit his objections along with the documents, if any to the respondents from today. On receipt of the same, the respondents / authorities competent may look into the matter and shall take a decision. If any unauthorised constructions and encroachments are identified, then remove the same by passing an appropriate order. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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[S.M.S., J.] [K.R.S., J.]
12.03.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Commissioner,
Krishnagiri Municipality,
Krishnagiri.
- 2.The Town Planning Authority,
Krishnagiri Municipality,
Krishnagiri.



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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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