



W.P(MD)No.3703 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3703 of 2024
and
W.M.P(MD)No.3620 of 2024

1.S.Murugesan

2.Selvi

... Petitioners

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second respondent to his subordinates, his officials or any other persons authorized by him from demolishing the building the petitioners building situated in UDR Survey No.165/2 (Sengulam), T.S.No.57, bearing Door



W.P(MD)No.3703 of 2024

No.177, Munsif Court Road, New Ward No.11, Thirumangalam Town,
Madurai District.

For Petitioners : Mr.C.Jeya Prakash

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader for R.1

Mr.A.Kannan
Standing Counsel for R.2

ORDER

Heard both sides.

2.The petitioners apprehend that their residential house will be demolished illegally.

3.When the matter was taken up for hearing, the learned Standing Counsel appearing for the local body submitted that an informal survey undertaken by them indicated that the petitioners have committed encroachment. The local body proposes to demolish only the encroached portion. It is seen that the petitioners are also having patta.



W.P(MD)No.3703 of 2024

4.The second respondent is therefore directed to issue formal survey notice to the petitioners. The petitioners shall extend their co-operation for conducting the survey. After survey is concluded, the second respondent will also issue proper notice to the petitioners if any encroachment is noticed. By adopting due process of law any coercive action can be taken and not otherwise.

5.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Thirumangalam Municipality,
Thirumangalam, Madurai District.

3/4



WEB COPY



W.P(MD)No.3703 of 2024

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.3703 of 2024

19.03.2024