



WEB COPY



W.P.(MD)Nos.6528 to 6533 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.6528 to 6533 of 2024

and

W.M.P.(MD)Nos.6109, 6111, 6112, 6113, 6114 & 6118 of 2024

W.P.(MD)No.6528 of 2024:

S.Tamilselvei

: Petitioner

Vs.

The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in Na.Ka.No.633/2024/F1 dated 01.03.2024 and quash the same.

For Petitioner : Mr.S.Meenakshi Sundaram
for Mr.G.Dinesh

For Respondent : Mr.D.Venkatesh
Standing Counsel

[In all Writ Petitions]



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COMMON ORDER

**[Common Order of the Court was made by
D.KRISHNAKUMAR, J.]**

Heard Mr.S.Meenakshi Sundaram, learned Senior Counsel for Mr.G.Dinesh, learned Counsel for the petitioners and Mr.D.Venkatesh, learned Standing Counsel appearing for the respondent.

2.According to the learned Senior Counsel appearing for the petitioners, the petitioners' properties are located outside the 125 acres of layout which has been approved by the competent authority in favour of the Housing Society. But the respondent has not measured the aforesaid properties and action has been taken for removal of the encroachments in the said property. Therefore, the learned Counsel for the petitioners restricted his claim only to the extent of measuring the properties in the presence of the petitioners with the assistance of the Taluk Surveyor and if it is found that there are encroachments within the aforesaid layout of 125 acres, necessary action may be taken in accordance with law. To the contrary, if the properties in question are not within 125 acres of land, then the respondent shall not have any right or authority to interfere with the possession of the petitioners.



3. Learned Standing Counsel for the respondent on instructions would submit that the survey has been conducted in the entire property but there is no record to show that notices have been issued to the petitioners and survey has been conducted in the presence of the petitioners. It is further stated that instead of interfering with the impugned orders passed by the respondent, the impugned orders shall be treated as show cause notices and if any objection is made, the same will also be considered by the respondent.

4. In the light of above, we are inclined to pass the following order:

i) The impugned orders passed by the respondent shall be treated as show cause notices by the petitioners and explanations be submitted by the petitioners within a period of two [2] weeks from the date of receipt of a copy of this order.

ii) The respondent Municipality is directed to measure the said property with the assistance of the Taluk Surveyor and demarcate the said property in the presence of the petitioners, by issuing necessary notices to the petitioners and the petitioners shall also cooperate the officials at the time of survey.

iii) After completion of the survey, the respondents shall pass necessary orders in accordance with law, within a period of twelve [12] weeks thereafter.



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5. With the aforesaid direction, the Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.J.] & [R.V.J.]
19.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

Note: Issue a copy of this order by 21.03.2024.



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To
The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.



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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

COMMON ORDER MADE IN

W.P.(MD)Nos.6528 to 6533 of 2024

19.03.2024