



WP(MD). No.10757 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11/12/2024

CORAM

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

**WP(MD). No.10757 of 2020
and WMP(MD) No.9473 of 2020**

S. Dakshinamoorthy

...Petitioner

Vs

1. The Commissioner,
Thiruchirapalli City Corporation.,
Bharathidasan Salai,
Cantonment, Tiruchirapalli.

2. The Assistant Commissioner,
Tiruchirapalli City Corporation,
K.Abishekapuram Zone,
K.V.R.Road,
Puthur, Tiruchirapalli - 620 017.

3. G.Perumal

...Respondents

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records in pursuant to the impugned notice in Na.Ka.No.4725/2019/F1/Ko.Abi dated .08.2020 call for the records and quash the same.

For Petitioner : M/s. P. Arun Jayatram,



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For Respondent : M/s. Kishore Ram
R.B.Law Associates – R1 & R2
M/s. J.Maria Roselin - R3

ORDER

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

Heard both sides and perused the materials available on record.

2. When Arulmigu Jeya Veer Anjaneyar Swami Thirukovil had filed a Writ Petition before this Court in W.P.(MD) No.22442 of 2015, claiming that the 3rd respondent therein/writ petitioner had made encroachments in a public lane, a Co-ordinate Bench of this Court had directed the authorities to take action with regard to the encroachments, in the following manner:-

“6. With the above observation, the writ petition is disposed of by directing the first respondent to nominate a Senior Officer to initiate action with regard to the encroachment of the third respondent, by issuing notice and following due procedure. The respondent Corporation shall also consider as to whether the construction put up by the third respondent is in accordance with the approved plan building. So far as the encroachment



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made by the petitioner, a fresh survey to be conducted in the presence of the petitioner and ascertain the facts and take necessary action, after notice to the petitioner. No costs.

7. The aforesaid direction shall be complied with by the third respondent, within a period of 8 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is also closed.”

3. Pursuant to the directions, the 2nd respondent herein had issued a show cause notice to the writ petitioner and after survey of the land, had issued the impugned notice dated 13.08.2020, directing the writ petitioner to remove the encroachments. Since the impugned notice is in accordance with the directions issued by this Court in W.P.(MD) No. 22442 of 2015, no illegality can be attached to the said notice and therefore, none of the grounds raised by the petitioner, challenging the notice, are sustainable.

4. This apart, a reference has also been made to another Writ Petition in W.P.(MD) No.8707 of 2020 filed by the petitioner, alleging



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certain encroachments being made by the 3rd respondent herein.

Incidentally, today, i.e. 11.12.2024, we had disposed of W.P.(MD) No. 8707 of 2020, by granting liberty to the petitioner to make a representation to the concerned authorities, ventilating his grievances with a consequential direction to consider the representation within a period of three months.

5. Since W.P.(MD) No.8707 of 2020 has also been disposed of by this Court, there cannot be any impediment for the respondents to remove the encroachments made by the petitioner herein, if not already removed. As such, no interference is required to the impugned notice and accordingly, W.P.(MD) No.10757 of 2020 stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[M.S.R.,J] [A.D.M.C.,J]
11.12.2024

NCC : Yes/No
Index : Yes/No
RR



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