



W.P.(MD)No.11705 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.11705 of 2024

and

W.M.P.(MD)No.10446 of 2024

M.Venkatakrishnan

: Petitioner

Vs.

1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2.K.Balasubramaniam

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 17.05.2024 and pass necessary orders and till such time, no coercive steps may taken by the first respondent.



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For Petitioner : Mr.D.Saravanan
For Respondent No.1 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by R.SURESH KUMAR, J.]

The prayer sought for herein is for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 17.05.2024 and to pass necessary orders and for a consequential direction that till such time, no coercive steps may be taken by the first respondent.

2.Heard the learned Counsel appearing for the parties.

3.In view of the proposed order that we are going to pass in this writ petition, notice to the second respondent is dispensed with.

4.That the first respondent Municipality had issued a notice on 07.05.2024, stating that T.S.No.997, is a public way and



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there has been an encroachment at the behest of the petitioner and therefore, in order to remove such encroachment, such notice was issued.

5.In fact, the said notice has been issued pursuant to the direction already been given by this Court in the earlier writ petition filed by the second respondent in W.P.(MD)No.7257 of 2024.

6.In response to the said notice, the petitioner has given a detailed representation or reply on 17.05.2024 with annexure of documents to establish the case that the said land in question belongs to the petitioner and in this regard already seeking for a mandatory injunction against the respondent Municipal Corporation, a civil suit in Sub Court, Tirunelveli in O.S.No.193 of 2023, was instituted and that is also pending. Stating all these reasons, such reply dated 17.05.2024 was given by the petitioner. At this juncture, now the apprehension of the petitioner is that despite the reply having been given, without considering the same, pursuant to the notice dated 07.05.2024, if the first respondent Municipal Corporation take any coercive steps, that would



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prejudice the interest of the petitioner and therefore, only at that juncture, the writ petition with the aforesaid prayer has been filed, he contended.

7.Learned Standing Counsel for the respondent Corporation submitted that, the letter dated 17.05.2024, is a reply according to the petitioner. It would be treated as a reply and after considering the contents of the said reply, final orders would be passed by the first respondent Municipal Corporation, in fact pursuant to the notice dated 07.05.2024.

8.We have considered the submissions made by both sides and perused the materials available on record.

9.As the petitioner himself has given a reply on 17.05.2024, to the show cause notice dated 07.05.2024, issued by the first respondent, we are inclined to give a direction to the first respondent Municipal Corporation to consider the said reply dated 17.05.2024, along with the supporting documents and after considering the same, orders can be passed by the first respondent Municipal Corporation and accordingly, further action if any



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required can be taken depending upon the decision to be made by the first respondent Municipal Corporation.

10.With these directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]

05.06.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

To
The Commissioner,
Tirunelveli Corporation,
Tirunelveli.



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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

MR

ORDER MADE IN
W.P.(MD)No.11705 of 2024

05.06.2024