



W.P(MD)No.12378 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.12378 of 2018
and
W.M.P(MD)Nos.11259 & 11260 of 2018**

Asaikani

... Petitioner

VS.

1.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur – 626 125,
Virudhunagar District.

2.T.Seenivasan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, relating to the first respondent's impugned notice through his proceedings in Na.Ka.No. 4483/2014/F1, dated 13.04.2018 insofar as it relates to removing the encroachment at Town Survey No.1979, Survey Ward-III, Kulalar Street, Block-17, Srivilliputhur Town, Virudhunagar District and set aside the same as illegal by considering the representation of the petitioner, dated 26.04.2018.



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For Petitioner : Mr.M.Solaisamy
For Respondent No.1 : Mr.P.Srinivas
For Respondent No.2 : Mr.N.C.Ashok Kumar

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition to quash the impugned notice, dated 13.04.2018 insofar as it relates to removing the encroachment at Town Survey No.1979, Survey Ward-III, Kulalar Street, Block-17, Srivilliputhur Town, Virudhunagar District by considering the representation of the petitioner, dated 26.04.2018.

2.When the matter was taken up for hearing today, the learned counsel appearing for the petitioner would submit that pursuant to the interim order granted by this Court on 11.06.2018, the petitioner has submitted an application before the first respondent, dated 01.10.2018, seeking permission for constructing the staircase in the aforesaid property in question and the said application is pending.



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3.The learned counsel appearing for the first respondent also admitted that the application submitted by the petitioner, dated 01.10.2018 before the first respondent, is pending.

4.Considering the submissions made on either side, the first respondent is directed to consider the application of the petitioner, dated 01.10.2018 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. We make it clear that if the first respondent rejects the application submitted by the petitioner dated 01.10.2018, the first respondent shall take necessary action for the removal of the encroached portion in the aforesaid property in question in the manner known to law.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
27.02.2024
(1/2)

NCC : Yes / No
Index : Yes / No

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To

The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur – 626 125,
Virudhunagar District.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.12378 of 2018

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