



W.P.(MD) No.20850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.20850 of 2024
and
W.M.P.(MD)No.17677 of 2024**

Kumar

... Petitioner

-vs-

- 1.The District Collector/Monitoring Committee,
Office of the Collectorate,
Madurai.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Melur Taluk, Madurai District.
- 3.The Tahsildar,
Madurai South Taluk,
Madurai.
- 4.The Commissioner,
Madurai City Municipal Corporation,
Madurai.
- 5.The City Sub Inspector (Land Survey),
Zone 1 & 4,
Madurai City Municipal Corporation,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to



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issue a Writ of Mandamus, directing the respondents 3 to 5 not to evict the petitioner in Survey No.123/2, in Chinna Annuppanadi, Chinthamani, to an extent of 260 sq. feet without following the due process of law.

For Petitioner : Mr.D.Senthil
For Respondents 1 to 3 : Mr.P.T.Thiraviyam,
Government Advocate
For Respondents 4 & 5 : Mr.K.Sivabalan

ORDER

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

Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents 1 to 3. Mr.K.Sivabalan, learned counsel takes notice for the respondents 4 and 5. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The apprehension of the petitioner is that he will be dispossessed, pursuant to the order of this Court, dated 11.07.2024, made in W.P.(MD)No. 15391 of 2024, filed by one K.Maharajan, complaining that the petitioner and others have encroached upon the road. The operative portion of the order dated 11.07.2024, reads as follows:-

“(i) That there shall be a direction to the respondents 1 and 2 to consider the representation of the petitioner, dated 31.10.2023 and take necessary steps to verify the encroachment in the land in question either by the private respondents or third parties by conducting a survey, of course, after giving notice to the petitioner as well as private respondents or any other third parties,



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who has interest over the property and accordingly, they shall act upon for removal of encroachment, if anything is found out.

(ii) The needful as indicated above shall be undertaken by the respondents 1 and 2/Corporation, within a period of two months from the date of receipt of a copy of this order.”

3.The directions are very specific to the effect that the authorities must conduct a survey and take proceedings for eviction strictly in accordance with law. Hence, there is no basis for apprehension of the petitioner. Mere marking of the land belonging to the Corporation will not provide a cause of action for the petitioner to rush to this Court.

4.Hence, the Writ Petition is dismissed. It is made clear that the authorities will take action strictly in accordance with Section 128 of the Tamil Nadu Urban Local Bodies, Act, 1998. Any deviation will be viewed seriously. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

02.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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and
L.VICTORIA GOWRI, J.

Mrn

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