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W.P.(MD)NO.20927 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20927 of 2015 AND

M.P.(MD)No.1 of 2015 &

W.M.P.(MD)Nos.12823 of 2016 & 3128 of 2017

Vellaithai

... Petitioner

Vs.

1. The District Collector,
Theni District.

2. The Commissioner,
Theni-Allinagaram Municipality,
Theni District.

3. The Chairman,
Theni-Allinagaram Municipality,
Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned order of the second respondent in Na.Ka.No.4871/15/f2 dated 09.10.2015 and quash the same and consequently forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the properties situated in survey No.583/1 in Composedyard Street, Allinagaram, Theni.



For Petitioner : Mr.J.Anandkumar,
for Mr.S.Sekar.

For R-1 : Mr.K.Balasubramani,
Special Government Pleader.

For R-2 & R-3 : Mr.Kaleeswaran

* * *

ORDER

Heard both sides.

2. W.P.(MD)No.18820 of 2015 was filed for removal of encroachment made in survey No.583/1 of Allinagaram, Theni. The writ petition was disposed of on 14.10.2015 by directing the competent authority to take action as per law. Pursuant to the said direction, the impugned notice dated 09.10.2015 has been issued. It is seen that the notice is rather peremptory in nature. Even without hearing the petitioner, the Municipal Commissioner came to a conclusion that the petitioner has committed encroachment.

3. In this view of the matter, the impugned notice is set aside. It is always open to the Municipal body to take appropriate survey by liaising with the revenue authorities and take action as per law. It is



made clear that the local body shall adhere to due process of law before taking any adverse action. This writ petition stands allowed with the aforesaid liberty to the local body. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

20th August 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

To:

The District Collector,
Theni District.



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AND

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