



W.P.(MD)No.6530 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.6530 of 2015

and

W.M.P.(MD)No.6029 of 2016

Ayusha Ammal

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Collector,
Ramanathapuram.

2.The Tahsildar,
Taluk Office,
Ramanathapuram.

3.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records in Na.Ka.No.3654/2005/F1 dated 10.04.2015 issued by the third respondent, quash the same.

For Petitioner : Mr.S.Vellaichamy
For Respondents 1&2 : Mr.S.P.Maharajan
Special Government Pleader
For Respondent No.3 : Mr.K.Saravanan
Standing Counsel

O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

The petitioner seeks to quash the impugned in Na.Ka.No. 3654/2005/F1 dated 10.04.2015, issued by the third respondent.

2.According to the petitioner, the respondent Municipality has issued such a notice without measuring the property in question with the assistance of the surveyor. Therefore, he made an objection to the respondents but the same was also not considered by them. Hence, the petitioner has preferred the present Writ Petition.



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3.According to the respondent Municipality, a suit has been filed before the Civil Court and the findings in the aforesaid suit is in favour of the Municipality. Hence, they issued the impugned notice for removal of the encroachment and therefore, the petitioner cannot claim any right over the said property and challenge the aforesaid proceedings before this Court.

4.Learned Counsel for the petitioner would submit that after the survey of the said property, if any encroachment is found, the petitioner will not have any serious objection and the said encroachment will be vacated and handed over to the respondent Municipality.

5.In view of the aforesaid submission, this Court directs the respondent Municipality to measure the aforesaid property and demarcate the boundaries with the assistance of the Town Surveyor in the presence of the petitioner, within a period of two [2] weeks from the date of receipt of a copy of this order. Thereafter, if there is any encroachment, then the petitioner is directed to evict the same and hand over possession to the respondent Municipality.



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6.Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]

26.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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