

WP(MD). No.3244 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07/04/2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE P.B.BALAJI

W.P.(MD). No.3244 of 2013

S.Devaraj

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Petitioner

Vs

1 Tiruchirapalli City Corporation,
Represented by its Commissioner,
Corporation Buildings,
Bharathidasan Salai,
Tiruchirapalli.

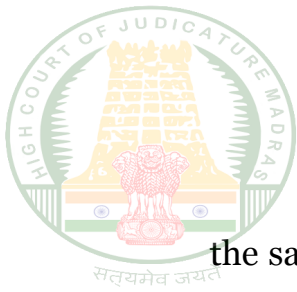
2 The Assistant Commissioner,
Tiruchirappalli City Corporation,
Co Abhishegapuram Zone,
Tiruchirappalli.

3 Subramanian
(R3 is Impleaded Vide Court Order
Dated 02.07.2021 in M.P.(MD) No.2/2013)

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Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the proceedings of the 2nd Respondent in Na. Ka.No.2674/2005/F1 K. Abishekapuram Zone, dated 22.02.2013, quash



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the same and direct the respondents/corporation to follow the direction of the Honourable FULL BENCH of Madurai Bench of Madras High Court, reported in 2005 (2) CTC-741.

For Petitioner : Mr.S.K.Mani

For Respondents 1 & 2 : Mr.R.Baskaran,
Addl. Advocate General.

For Respondent 3 : Mrs.J.Anandhavalli.

ORDER

(Order of the Court was made by
the Hon'ble The Chief Justice)

Counsel for petitioner says, the primary ground raised in the petition is that the impugned order, dated 22.02.2013, has been issued without even a show cause notice having been issued prior thereto.

2. As we could not find any evidence to the contrary being filed by the State, we decide to direct respondents to issue a notice.

3. Sri R.Baskaran, learned Additional Advocate General, stated that petitioner may treat the impugned order as a notice and can file a reply, showing cause as to his right to the land, which is the subject



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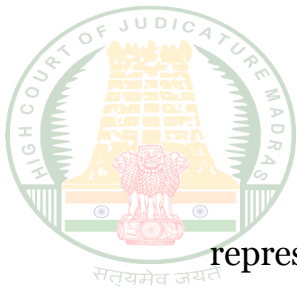
matter, and how he should not be treated as an encroacher and encroachments removed.

4. Sri S.K.Mani stated that the petitioner will reply to Respondent No.2, who has issued the impugned order, within one week from today with all necessary documents to prove petitioner's entitlement/right over the land, as also why the encroachment should not be removed. Copy of the Reply shall also be given to Respondent No.3.

5. On or before 30th April,2025, Respondent No.2 shall pass an order, but, before passing the order, shall give a personal hearing to petitioner and Respondent No.3, notice whereof shall be communicated at least three working days in advance. The order to be passed shall be a reasoned order.

6. Sri Mani states, if it is established that petitioner is an encroacher or if petitioner is unable to establish his right, petitioner has to be removed and petitioner shall abide by the order.

7. Mrs.Anandhavalli states third respondent will also make a



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representation to Respondent No.2, giving all details against petitioner and a copy whereof shall also be given to petitioner.

8. Writ Petition stands disposed accordingly. No costs. Consequently, the connected M.P.(MD) No.1 of 2013 is closed.

10. We clarify that we have not made any observation on the merits of the matter.

(K.R.SHRIRAM, C.J.)

(P.B.BALAJI, J.)

07.04.2025

(1/2)

NCC : Yes/No

Index : Yes/No

dixit

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THE HON'BLE CHIEF JUSTICE
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