



W.P.(MD) No.3200 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.3200 of 2025

and

W.M.P.(MD)No.2236 of 2025

J.Stalin Masco

... Petitioner

-Vs-

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Commissioner,
Pudukkottai Corporation,
Pudukkottai & District.

3.The Assistant Engineer,
Highways Department of Tamil Nadu,
Pudukkottai & District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 22.01.2025 in Notice Memorandum No.666-1/2024/EVA issued by the 3rd respondent herein and quash the same.



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For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.J.Ashok,

Additional Government Pleader

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

The eviction notice dated 22.01.2025 issued by the 3rd respondent is under challenge in this Writ Petition.

2.Mr.R.Paranjothi, learned counsel appearing for the petitioner would submit that the land in which the petitioner's shop is situated comes under the control of the Pudukkottai Municipality and not in State Highway Poramboke. The said shop was allotted to the petitioner in the year 2015. However, without issuing any show cause notice and without conducting any survey in the land, the 3rd respondent issued the impugned eviction notice.

3.Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents would fairly submit that the survey number of the land, where encroachment has been made, is wrongly mentioned in the impugned eviction notice. Therefore, fresh notice containing correct survey number would be issued to the petitioner.



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4.Considering the submissions made on either side, this Court is of the view that the impugned eviction notice is liable to be set aside, since the survey number has been wrongly mentioned, accordingly, it is set aside and this Writ Petition is allowed. The respondents are always at liberty to issue notice to any encroacher for removing the encroachment. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [L.V.G., J.]
10.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

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L.VICTORIA GOWRI, J.

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