



W.P(MD)No.9022 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND**

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.9022 of 2025

and

W.M.P.(MD) No.6736 of 2025

R.Selvam

... Petitioner

Vs

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

3. The Assistant Commissioner,
Madurai Corporation Zone -5,
Thiruparankundram,
Madurai.

4.A.Rajpandi

... Respondents

**(*R4 impleaded by this Court vide order
dated 11.06.2025 passed in W.M.P(MD)No.11170 of 2024)**



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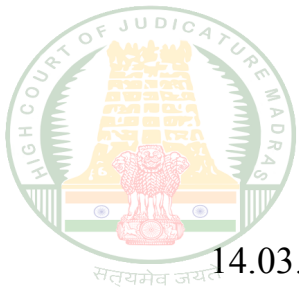
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd respondent vide his proceedings in Nil dated 14.03.2025 quash the same within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Rajiv Gandhi,
For Respondent : Mr.S.P.Maharajan (R1)
Special Government Pleader
: Mr.K.K.Kannan (R2 & R3)
Standing Counsel
: Mr.V.Karuna (R4)

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

Enforcement actions have been initiated pursuant to the directions issued by the Hon'ble Division Bench of this Court in W.P(MD)No. 15798 of 2024, dated 15.07.2024. The consequential order issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, dated



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14.03.2025 is under challenge in the present writ petition.

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2.Since the dispute has been resolved by the Hon'ble Division Bench of this Court in W.P(MD)No.15798 of 2024, the petitioner cannot now file a writ petition seeking quashment of the said final notice.

3.The fact remains that action was initiated pursuant to the complaint for removal of encroachments. One Mr.Rajapandi filed the said writ petition seeking direction to remove the encroachments. In the said writ petition, the present writ petitioner/R.Selvam is the eighth respondent. Therefore, the writ order of the Hon'ble Division Bench of this Court is binding on the writ petitioner. The writ Court passed the following orders:

"5.Having considered the said submissions made by the learned standing counsel appearing for the respondent Corporation, this Court is inclined to dispose of this Writ Petition with the following orders:

'(i) That there shall be a direction to the second respondent Corporation to survey the land in question by giving notice to the eighth respondent or any other third parties, who have interest over the property including the petitioner and after survey if any encroachment is found out in the land belongs to the



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second respondent Corporation that shall be identified and accordingly, such encroachment shall be removed by the second respondent Corporation on merits and in accordance with law.

(ii) The needful as indicated above shall be undertaken by the second respondent/Corporation, within a period of two months from the date of receipt of a copy of this order.'

6. With this direction, the Writ Petition is disposed of. However, there shall be no order as to costs."

4. Pursuant to the directions issued by the Hon'ble Division Bench of this Court, the Commissioner, Madurai Corporation, conducted survey and identified the encroachments and opportunity was afforded to the petitioner and survey was conducted in his presence. Therefore, the final notice issued deserves no merit consideration in a fresh writ petition from the hands of this Court. Since the High Court issued a direction to remove the encroachments after conducting the survey, this Court is not inclined to relegate the matter once again to the authorities and there is no scope for such re-adjudication of issues.

5. Thus, the official respondents are directed to continue the enforcement action and complete the same, within a period of eight weeks, from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition stands dismissed.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
11.06.2025
(1/2)

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

LR

To
1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
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3. The Assistant Commissioner,
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Thiruparankundram,
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and
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LR

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