



WEB COPY

W.P.(MD) No.17221 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.17221 of 2025

and

W.M.P.(MD) Nos.13091 & 13093 of 2025

N.Veera Rajkumar

... Petitioner

-vs-

1.The District Collector
Collectorate Campus
Madurai

2.The Commissioner
Madurai Corporation
Arignar Anna Maligai
Madurai-625 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the impugned notice issued by the second respondent herein in his proceedings in Na.Ka.No.Ma/Vu1/009071/2024 dated 02.04.2025 and quash the same as illegal and further directing the second respondents herein not to remove encroachment without following due process of law.



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For Petitioner : Mr.D.Nallathambi
For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1
Mr.S.Vinayak
Standing Counsel for R2

ORDER

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

Mr.M.Sarangan, learned Additional Government Pleader, takes notice for the first respondent and Mr.S.Vinayak, learned Standing Counsel, takes notice for the second respondent.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. The writ on hand has been instituted challenging the notice dated 02.04.2025, issued by the competent authority of Madurai Corporation under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998, for removal of encroachments from the road.



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4. The authorities concerned HAVE identified the encroachments in the public road. The petitioner has been identified as an encroacher. Thus, a notice has been issued under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998. The petitioner, instead of submitting his explanation / defence statement, if any, has chosen to file the present writ petition.

5. No writ as against the statutory notice is entertainable, unless such notice has been issued by an incompetent authority or tainted with allegations of *mala fides*. In the present case, the petitioner has admittedly filed a civil suit in O.S.No.48 of 2025 and the same is pending on the file of the District Munsif Court, Melur. Hence, the writ on hand is not maintainable. The authorities concerned are empowered to remove the encroachments by following the procedures as contemplated under the relevant act and rules.

6. At this juncture, learned counsel for the petitioner submitted that patta in respect of the subject land stands in the name of 70 persons. However, High Court, in exercise of the power of judicial review, cannot adjudicate the property rights of a person and any person claiming civil rights relating to properties has to approach the competent civil court for



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establishing the same. Therefore, such disputed facts of civil in nature cannot be adjudicated in the writ jurisdiction.

7. In the present case, a notice has been issued and therefore, the petitioner is at liberty to file his explanation / defence statement, if any, to the authorities concerned and in the event of receiving any such explanation / defence statement, the authorities concerned has to consider the same and take a decision on merits and in accordance with law. Thereafter, the encroachments, if any identified, are directed to be removed and the road must be made available for the public usage. Such an exercise is directed to be completed within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
24.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:
The District Collector,
Collectorate Campus,
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