



W.P.(MD) No.27697 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P.(MD) No.27697 of 2024

and

W.M.P.(MD) No.23512 of 2024

N.Shajathi Beevi

... Petitioner

-VS-

- 1.The District Collector
District Collector Office
Thanjavur, Pin-613 010
- 2.The District Revenue Officer
District Revenue Office
Thanjavur, Pin-613 009
- 3.The Municipal Commissioner
Municipal Corporation
Kumbakonam & Post
Thanjavur District, Pin-612 001
- 4.The Tahsildar
Taluk Office
Kumbakonam & Post
Thanjavur District
Pin-612 001

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No. 8119/2023/D1 dated on 04.10.2024 and quash the same and consequently directing the respondents not to interfere with peaceful possession and enjoyment of the property situated at Door No.19 in T.S.No.738, Block No.12, Ward No.6, Arasalar Vazhinadappu Street, Kumbakonam, Thanjavur District.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.J.Ashok
Addl. Government Pleader for R1, R2 & R4
Mr.M.Rajarajan
Standing Counsel for R3

ORDER

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

The notice issued by the Municipal Commissioner / third respondent for removal of encroachments is under challenge in this writ petition.

2. The petitioner would submit that the Commissioner,



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Kumbakonam Municipality, granted a lease of the subject property in the year 1961.

3. A perusal of the order dated 28.11.1961, issued by the Commissioner, Kumbakonam Municipality, shows that the lease was granted in favour of one Mr.M.Yusuf Khan for a period of two years from 1961-1962 to 1962-1963. However, the lease was not renewed subsequently and therefore, the petitioner cannot have any right to claim that she is the lessee of the subject land. Mere payment of tax would not confer any right to occupy the municipality land in the absence of any valid lease. After expiry of the lease period, the petitioner is construed as an encroacher and she has been in illegal occupation of the municipality land for several years. Thus, enforcement actions are taken to evict the petitioner.

4. Earlier, the petitioner filed a writ petition in W.P.(MD) No.22665 of 2024 and this Court, by an order dated 23.09.2024 granted liberty to the respondent – Municipality to pass a fresh order under Section 128(1) of the Tamil Nadu urban Local Bodies Act, 1998. Consequent to the same, the present impugned notice has been issued.



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5. In view of the above, this Court do not find any infirmity or irregularity in the impugned notice. Since the petitioner is an encroacher of the municipality land, she is not entitled for any relief from the hands of this Court. The official respondents are directed to conclude the enforcement action and evict the encroachers from the municipality land as expeditiously as possible.

6. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[S.S.Y., J.]

15.07.2025

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

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To:

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2.The District Revenue Officer,
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3.The Tahsildar,
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