



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

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**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

W.P.[MD].No.15963 of 2014
and
M.P.(MD)No.2 of 2014

1.Mr.A.Vins Anto
2.Mr.S.R.Sree Ram
3.Mr.A.Gothandaraman

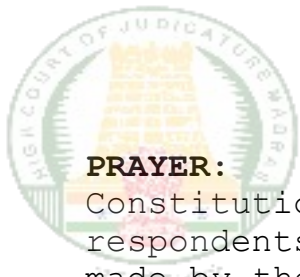
: Petitioners

Vs.

1. The Commissioner,
Town & Country Planning,
807, Anna Salai,
Chennai-600 002.
2. The Deputy Director,
Town and Country Planning,
Kanyakumari Division,
Tirunelveli.
3. The District Collector,
Collectorate,
Nagercoil.
4. The Member Secretary,
Local Town Planning Officer,
Raman Pillai Street,
Nagercoil.
5. The Municipal Commissioner,
Nagercoil Municipality,
Nagercoil.
6. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
7. The Inspector of Police,
Vadasery, Nagercoil.

8. Dr.William Bensam
9. Mr.Prem

: Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take immediate action to remove the encroachments made by the 8th and 9th respondents in the Public Scheme Road in the Southern extremity of Asirwatham Nagar Colony to an extent of 4428 sq feet, comprised in R.S.No.A1/46 of Vadasery Village, abutting the NH47 National High Way M.S. Road, in violation of the plan approval of the second respondent vide LPR (T.K.) No.5/87, dated 09.02.1987.

For Petitioners	: Mr.T.Arul
For Respondents 1to4,6&7	: Mr.M.Govindan, Special Government Pleader
For Respondent No.5	: Mr.P.Athimoolapandian
For Respondent No.8	: Mr.M.Mahaboob Athiff

O R D E R

[Order of the Court was made by M.V.MURALIDARAN, J.]

This Writ Petition has been filed by the petitioners, under the guise of a Public Interest Litigation, seeking a direction to the respondents to take immediate action to remove the encroachments made by the eighth and ninth respondents in the Public Scheme Road in the Southern extremity of Asirwatham Nagar Colony to an extent of 4428 sq feet, comprised in R.S.No.A1/46 of Vadasery Village, abutting the NH47 National High Way M.S. Road, in violation of the plan approval of the second respondent vide LPR (T.K.) No.5/87, dated 09.02.1987.

2. We have heard the learned counsel for the petitioners, the learned Special Government Pleader for the respondents 1to4, 6 and 7, the learned counsel appearing for the fifth respondent and the learned counsel appearing for the eighth respondent. We have also perused the records carefully.

3. The learned Special Government Pleader submitted that the authority concerned has already issued a notice on 10.09.2014 under Sections 56 and 57 of the Town and Country Planning Act, 1971 and 30 days time was given to the petitioners to approach the authority concerned. It is further submitted that the eighth respondent has also submitted a proposal through Municipality. Now, the respondents are proceeding with the matter as per law.

4. In view of the above said submission made by the learned Special Government Pleader, the Writ Petition is disposed of, by giving a direction to the official respondents to give appropriate opportunity to the petitioners as well as the eighth and ninth



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respondents and proceed with the matter, according to law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Town & Country Planning,
807, Anna Salai,
Chennai-600 002.
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3. The District Collector,
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5. The Municipal Commissioner,
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Nagercoil.
6. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
7. The Inspector of Police,
Vadasery, Nagercoil.

+ 1 CC TO Mr.T.ARUL, ADVOCATE IN SR No. 56442/16

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 56416/16

SML

TE/SS-2 : 13/10/2016 : 3P/10C