



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.23854 of 2016

Anaithu Nala Sangangalin Kootamaippu
(K.K.Nagar, Kajamalai and Mannarpuram Area)
rep. by its General Secretary
D.Ebenezer Ambudoss,
No.46, 2nd Cross Street,
Devarayar Nagar,
Tiruchirapalli - 620 021.

.. Petitioner

Vs.

- 1.The District Collector,
Tiruchirapalli.
- 2.The Commissioner,
Tiruchirapalli Corporation,
Tiruchirapalli.
- 3.The Divisional Engineer (Highways),
Tiruchirapalli,
Tiruchirapalli District - 620 020.
- 4.The District Surveyor,
Tiruchirapalli,
Tiruchirapalli District.
- 5.The Assistant Commissioner,
Ponmalai Region,
Tiruchirapalli Corporation,
Tiruchirapalli.
- 6.The Assistant Commissioner,
Ko.Abishekapuram Region,
Tiruchirapalli Corporation,
Tiruchirapalli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Mandamus directing the respondents to engage a surveyor to mark
the encroachment area on the K.Sathanoor Road in the light of the



third respondent's reply dated 17.08.2016 and consequently remove all the encroachments thereupon.

For Petitioner : Mr.R.Venkateswaran

For Respondents 1,3 and 4 : Mr.R.Velmurugan,
Government Advocate.

For Respondents 2,5 and 6 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to engage a surveyor for the purpose of marking the alleged encroached area made on K.Sathanoor Road in the light of the reply given by the third respondent dated 17.08.2016 and consequently to remove all encroachments by way of passing a writ of mandamus.

2.It is averred in the petition that the petitioner is the General Secretary of Anaithu Nala Sangangalin Kootamaippu (KK.Nagar, Kajamalai and Mannarpuram Area) situates in Tiruchirappalli. Further it is averred in the petition that on K.Sathanoor Highways Road both sides there are so many encroachments and the same have been confirmed by the reply dated 17.08.2016 given by the third respondent. But the third respondent has expressed inability to remove encroachment, since service of surveyor has not been able to secure. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.R.Velmurugan, learned Government Advocate has taken notice for the respondents 1,3 and 4 and Mr.N.S.Karthikeyan, learned Additional Government Pleader has taken notice for the respondents 2, 5 and 6.

4.The learned counsel appearing for the petitioner has befittingly drawn the attention of the Court to the reply dated 17.08.2016 given by the third respondent, wherein it has been clearly stated that in the disputed area so many encroachments are in existence. But the third respondent has further stated in his reply that service of surveyor has not been able to secure.

5.Considering the materials found in the reply dated 17.08.2016, this Court is of the view that as rightly pointed out on the side of the petitioner, so many encroachments are available on the side of the road mentioned in the petition. Since encroachments are in existence, the relief sought in the petition can be granted.



6. In fine, this writ petition is allowed without costs and the respondents are directed to engage a surveyor for the purpose of marking the alleged encroachments and further the respondents are directed to remove all encroachments within a period of two months.

Sd/-
Assistant Registrar (As)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Tiruchirapalli.
2. The Commissioner,
Tiruchirapalli Corporation,
Tiruchirapalli.
3. The Divisional Engineer (Highways),
Tiruchirapalli,
Tiruchirapalli District - 620 020.
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6. The Assistant Commissioner,
Ko. Abishekapuram Region,
Tiruchirapalli Corporation,
Tiruchirapalli.

+1cc to Mr. R. Venkateswaran, Advocate SR.No.80368

smn

sm:Sks-RR:21.12.2016:3P/8C

ORDER MADE IN
W.P (MD) No.23854 of 2016
09.12.2016