



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2016

CORAM:

WEB COPY

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

W.P (MD) No.24209 of 2016

S.Rufus Amirtharaj

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

3.The Superintendent of Police,
Dindigul District, Dindigul.

4.The Proprietor, A.S.M.Stores,
Building Society,
Kodaikanal, Dindigul District.

.. 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 second respondent to remove the encroachment at the M.M. Street, in building society area near cloud 9 resorts of Kodaikanal, on the basis of the petitioner's representation dated 22.11.2016.

For Petitioner : Mr.B.N.Raja Mohamed

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

For Respondent No.2 : Mr.T.S.Mohammed Mohideen,
Standing Counsel.

For Respondent No.4 : No appearance

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 second respondent to remove encroachments which are in existence in M.M.Street, Building Society Area near Cloud 9 Resorts of Kodaikanal on the basis of representation dated 22.11.2016, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Tuticorin. Further it is averred in the petition that there are so many encroachments in the street mentioned in the petition. Under the said circumstances a representation has been given to the concerned authorities. But no action has been taken and therefore 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 and 3 and Mr.T.S.Mohammed Mohideen, learned Standing Counsel, has taken notice for the second respondent.

4.The learned standing counsel appearing for the second respondent viz., Commissioner of Kodaikanal Municipality has represented that as stated in the petition there is an encroachment in the street mentioned in the petition and steps have been taken to remove the same.

5.Considering the nature of representation made on the side of the second respondent as well as nature of relief sought in the present writ petition, the same can be allowed.

6.In fine, this writ petition is allowed without costs and the second respondent is strictly directed to remove encroachment made in M.M.Street in Building Society Area near Cloud 9 Resorts, Kodaikanal on the basis of representation given by the petitioner within a period of one month after following due process of law.

sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

smn

To

1.The District Collector, Dindigul District, Dindigul.

<https://hccourtsonline.ssi.gov.in/>
2.The Commissioner, Kodaikanal Municipality,
Kodaikanal, Dindigul District.

3.The Superintendent of Police, Dindigul District, Dindigul.

+1CC to Spl.Government Pleader Sr.No.81895

+1CC to Mr.B.N.Raja Mohamed, Advocate Sr.No.81689

+1CC to Mr.T.S.Mohamed Mohideen, Advocate Sr.No.81506

GJM/KM/10/01/17-3p-7c

ORDER MADE IN
W.P (MD) No.24209 of 2016
19.12.2016