



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.24304 of 2016

V.Athilakshmi

... Petitioner

-vs-

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to remove the unlawful encroachments made in 30 feet public road situated in ward No.4 Block No.49A Survey No.5845/11 at Vetrivelpuram, Thoothukudi, Thoothukudi Dist on the basis of the petitioner's representation dated 30.11.2016.

For Petitioner : M/s.T.Wins
For R - 1 : Mr.R.Velmurugan
Government Advocate
For R - 2 : No appearance

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to remove the encroachments alleged to have been made in 30 feet public road, situates in Ward No.4, Block No.49A, Survey No.5845/11, Vetrivelpuram, Thoothukudi, Thoothukudi District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Vetrivelpuram. In Vetrivelpuram, there is a 30 feet public road and the same is under the control of encroachers. On 30.11.2016, the petitioner has given a representation to the respondents. But the respondents have not taken any steps and



therefore, the present writ petition has been filed for getting the relief sought therein.

3.Mr.R.Velmurugan learned Government Advocate takes notice for the first respondent and the learned Standing Counsel appearing for the second respondent is not present.

4.The learned counsel appearing for the petitioner has contended that the road mentioned in the petition is a 30 feet public road and so many encroachments are in existence and in order to remove the same, a representation has been given. But no action has been taken and therefore, the present writ petition has been filed for getting the relief sought therein.

5.Considering the nature of relief sought in the writ petition, this Court is of the view to allow the present petition.

6.In fine, this Writ Petition is allowed without cost. The respondents are directed to remove the encroachments, if any, are in existence in 30 feet public road situated in Ward No.4, Block No.49A, Survey No.5845/11, Vetrivelpuram, Thoothukudi, Thoothukudi District under due process of law within a period of two months.

Sd/-
Deputy Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

+ 1 CC TO Mr.T.WINS, ADVOCATE IN SR No. 81632
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81899

MJ
TE/PV : 03/01/2017 : 2P/5C

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