



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM:

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

W.P (MD) No.24659 of 2016

E.Senthil

..Petitioner

Vs.

1.The Commissioner,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai - 2.

2.The District Collector,
Madurai District, Madurai.

3.The Commissioner,
Madurai Municipal Corporation,
Madurai - 2.

4.The Member Secretary,
Madurai Local Planning Authority,
Anna Maaligai,
Madurai Corporation Building,
Madurai - 2.

..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 consider the petitioner's representation dated 04.05.2015 and remove the illegal encroachment from public pathway in Survey No.61/4D and 61/4E, Town Survey No.126 situated at Ward No.68, Vanamaamalai Nagar, Ponmeni Village, Madurai Corporation, Madurai District.

For Petitioner	: Mr.M.Nelson
For Respondents 1,2 and 4	: Mr.R.Velmurugan, Government Advocate.
For Respondent No.3	: Mr.R.Murali, Standing Counsel.

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 remove the encroachments alleged to have been made in Survey Nos.61/4D and 61/4E, Town Survey No.126 in Ward No.68, Vanamaamalai Nagar, Ponmeni Village, Madurai Taluk, by way of issuing a writ of mandamus.



2.It is averred in the petition that the survey numbers mentioned in the petition have been classified as public pathway, wherein certain encroachments have been made. Under the said circumstances on 04.05.2015 a representation has been given to the concerned authorities and 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, 2 and 4 and Mr.R.Murali, learned Standing Counsel, has taken notice for the third respondent.

4.On the basis of the contention putforth on the side of the petitioner, the order passed by the Assistant Commissioner is relied upon, wherein it has been simply stated that a building has been constructed against the plan approved and a deviation has been done. Except the said particulars, no document has been filed for the purpose of showing that the survey numbers mentioned in the petition are public pathways. But however the petitioner has given a representation on 04.05.2015. Since the petitioner has given a representation on 04.05.2015, the following direction can be issued to the third respondent.

5.In fine, this writ petition is allowed without costs and the third respondent viz., Commissioner, Madurai Corporation, Madurai is directed to look into the representation dated 04.05.2015 alleged to have been given by the petitioner and pass suitable order within a period of two months.

Sd/-

Deputy Registrar(J)

/True copy/

Sub Assistant Registrar(CS)

To

1.The Commissioner, Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai - 2.

2.The District Collector, Madurai District, Madurai.

3.The Commissioner, Madurai Municipal Corporation, Madurai - 2.

4.The Member Secretary, Madurai Local Planning Authority,
Anna Maaligai, Madurai Corporation Building, Madurai - 2.

+1cc to Mr.M.Nelson, Advocate in SR.82876

+1cc to Mr.R.Murali, Advocate in SR.83082

+1cc to the Special Government Pleader in SR.83173