



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM:

WEB COPY

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

W.P (MD) No.24705 of 2016

R.Vaiyadurai

.. Petitioner

Vs.

1. The Panchayat President,
Near Village Administration Office,
Samayanallur, Madurai North Taluk,
Madurai - 625 402.

2.The Tahsildar,
Madurai North Taluk,
Madurai - 625 020.

3.The District Collector,
Madurai Collector Office,
Madurai - 625 020.

4.S.Loganathan

5.S.Boominathan

6.S.Thangavel

7.S.Jeyaraj

.. 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 1 to 3 to consider of representation dated 23.09.2016 and to remove the encroachment of 9.5 feet East-West 20 feet North-South made in the public road in S.No.35/2, Burma Ceylon Colony in Samayanallur, Madurai 625 402.

For Petitioner

: Mr.S.Bala Mohan

For Respondents 1 to 3

: Mr.D.Muruganandam,

<https://hcservices.ecourts.gov.in/hcservices/>

Additional Government Pleader.

For Respondents 4 to 7

: No Appearance

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

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This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to remove encroachments which are in existence in Survey No.35/2, Burma Ceylon Colony, Samayanallur, Madurai District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Burma Ceylon Colony, Samayanallur, Madurai District, wherein Survey No.35/2 has been shown as street. But the respondents 4 to 7 have made encroachments and for the purpose of removing the same, a representation has been given by the petitioner. But the authorities have not considered the same and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 3.

4.Even though on the side of the petitioner it has been contended to the effect that Survey No.35/2 has been classified as road, no plan has been submitted. However on 23.09.2016, the petitioner has given a representation to the respondents 1 to 3 and therefore the second respondent can be directed to look into the same and take appropriate action. With the above observation, this writ petition is liable to be allowed.

5.In fine, this writ petition is allowed without costs and the second respondent viz., Tahsildar, Madurai North Taluk is directed to look into the representation dated 23.09.2016 alleged to have been given by the petitioner and pass suitable orders within a period of two months.

Sd/-
Deputy Registrar

/True Copy/

Sub Assistant Registrar



To

1. The Panchayat President,
Near Village Administration Office,
Samayanallur, Madurai North Taluk,
Madurai - 625 402.

2. The Tahsildar,
Madurai North Taluk,
Madurai - 625 020.

3. The District Collector,
Madurai Collector Office,
Madurai - 625 020.

+1cc to Mr.M.MOHAMED SHARBUDEEN, Advocate Sr.No. 82782

+1cc to Spl.Government Pleader Sr.No. 83162

SMN

TE/PV : 03/01/2017 : 3P/6C

ORDER MADE IN
W.P (MD) No.24705 of 2016
22.12.2016