



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.12171 of 2015

Fr.Y.Arockiam

... Petitioner

-vs-

1. The Commissioner,
Madurai Corporation,
Madurai.

2. State through Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.

3.R.Palani

4.V.Ganesan

5.P.Anthonyraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Writ of Mandamus directing the respondents 1 and 2 to remove the encroachment made by the 3 to 5 respondents on the road adjacent to Eastern and Southern side of Church building No.13, Abimannan Street, Simmakal, Madurai City. (*)Prayer amended vide court order dated 19/04/17 in WMP(MD) 4857/17).

For Petitioner : M/s.T.Villavankothai

For R - 1 : Mr.R.Murali

For R - 2 : Mr.K.Guru

Additional Government Pleader

For RR - 3 & 4 : Mr.J.Lawrance

For R - 5 : No appearance

O R D E R

[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 1 and 2 to remove the encroachments alleged to have been made by the



respondents 3 to 5 on the road mentioned in the petition by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has repeatedly contended to the effect that the respondents 3 to 5 have made certain encroachments on road margin and thereby caused nuisance to the petitioner and others. Under the said circumstances, even in the year 2012, a representation has been given and the same has not been considered by the respondents 1 and 2 and therefore, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned standing counsel appearing for the first respondent has also contended to the effect that in the place mentioned in the petition, some encroachments are in existence and if the petitioner gives a fresh representation, the same will be considered.

4.The main contention put forth on the side of the petitioner is that the respondents 3 to 5 have made certain encroachments on the road margin and thereby caused nuisance to the petitioner and others and as per the representation made on the side of the first respondent, it is learnt that some encroachments are in existence. Further it is seen from the records that in the year 2012, the petitioner has given a representation with regard to removal of encroachments. Under the said circumstances, this Court is inclined to pass the following order.

"The petitioner is directed to give a fresh representation to the first respondent and after receipt of the same, the first respondent is directed to look into the same and take appropriate action within a period of one month."

5.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Madurai Corporation,
Madurai.



2. Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.

+1cc to Mr.R.Murali, Advocate Sr.No.54353
+1cc to Mr.T.Villavankothai, Advocate Sr.No.54810
+1cc to Spl.Government Pleader Sr.No.54304

mj

vb/mr/sar4/04.05.2017/3p/6c

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