



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

AND

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.[MD].No.13722 of 2014

and

M.P(MD)No.1 of 2014

S.Sivaji

: Petitioner

Vs.

1.The Commissioner,
Gudalur Municipality,
Theni District.

2.Samyvel

3.Ranjith

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the first respondent from in any manner interfere with the petitioner's construction in his property bearing Door No.83A, Ward No.11, in Mela Gudalur, Uthamapalayam Taluk, Theni District, without following any due process of law.

For Petitioner : Mr.S.Saravanakumar

For Respondent No.1 : Mr.M.Karupasamy Pandian

For Respondents 2 &3 : Mr.P.Santhoshkumar,
For Mr.S.Kadarkarai

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition to restrain the first respondent from taking action against him on account of his proposal to make construction at Door No.83/A, Ward No.11, Mela Gudalur, Uthamapalayam Taluk, Theni District.

2. There is no question of restraining the first respondent from taking up his statutory function. In case the petitioner is found to be an encroacher, necessarily, notice should be given to him before eviction by the first respondent. We, therefore, do not find any reason to issue a Mandamus as prayed for by the



3. The Writ Petition is dismissed with the above observation. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl side)

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/ True Copy /

Sub Assistant Registrar(C.S.)

TO

The Commissioner,
Gudalur Municipality,
Theni District.

+1cc to M/S.R.SURIYA NARAYANAN, Advocate SR.No.69100

+1cc to M/S.S.KADARKARAI, Advocate SR.No.68810

SML

MAS/KK/SAR2:09.08.2017:2P-4C

Order made in
W.P.[MD].No.13722 of 2014

Dated:
28.07.2017