



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.15115 of 2014

and

M.P. (MD) No.1 of 2014

T.Duraipandi

... Petitioner

Vs.

1. The District Collector,
Madurai District.

2. The Revenue Divisional Officer,
Madurai District, Madurai.

3. The Tahsildar,
Melur Taluk, Madurai District.

4. The Executive Officer,
A.Vallalapatti Town Panchayat,
Melur Taluk, Madurai District.

5. The Deputy Superintendent of Police,
District Crime Branch,
Madurai District.

6. V.Gnanasekaran

7. E.Ramu

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the constructions put up by the respondents 6 and 7 by encroaching into the public street in survey No.894/21, A.Vallalapatti Village, Melur Taluk, Madurai District by surveying the properties in survey No.894/19, 894/20, 894/22 and 894/23.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.M.Govindan, Spl.G.P.

For RR1 to 3 and 5

Mr.Karthick Raja for

Mr.J.Gunaseelan Muthiah for R4

Mr.A.John Vincent for R6

**O R D E R**

(Order of the Court was made by G.R.SWAMINATHAN, J.)

WEB COPY This writ petition has been filed for removal of encroachments in the public street in S.No.894/21, A.Vallalapatti Village, Melur Taluk, Madurai District.

2.The petitioner has given a representation dated 26 August 2014 in this regard. When the case came up for disposal, learned counsel for the private respondents contended that the writ petitioner had also committed encroachments.

3.We therefore direct the third respondent to undertake a complete survey of the public street in question. Before making such a survey, notice should be given to the petitioner as well as the private respondents herein. If during the survey, the fourth respondent notices any encroachments, he shall cause the same to be removed. Whether the encroachment is committed by the petitioner or the private respondents, action shall be taken for removing both. It is needless to state that prior to effecting removal of such encroachment, the authority shall follow due process of law. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District.
2. The Revenue Divisional Officer,
Madurai District, Madurai.
3. The Tahsildar,
Melur Taluk, Madurai District.
4. The Executive Officer,
A.Vallalapatti Town Panchayat,
Melur Taluk, Madurai District.



5. The Deputy Superintendent of Police,
District Crime Branch,
Madurai District.

+1cc to Mr.T.R. Jeyapalam, Advocate Sr.No.68832
+1cc to Mr.A.John Vincent, Advocate Sr.No.68650

SKM/ARUL

VB/JC/SAR1/09/08/2017/2P/8C

W.P (MD) No.15115 of 2014
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