



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4465 of 2014

1.N.M.Kasim
2.Thangavel Pillai
3.Muthusamy
4.N.Madheswaran
5.A.N.Sheik Moideen .. Petitioners

Vs.

1. The District Collector,
Trichy,
Trichy District.
2. The Trichy City Municipal Corporation,
Rep by its Commissioner,
Trichy.
3. The Assistant Commissioner,
Ariyamangalam Division,
Trichy City Municipal Corporation,
Trichy.

4.Rabeeque
5.S.Kathar Ibrahim
6.Dhanapal
7.R.Iqbal
8.M.P.S.Kaja Mohideen
9.S.Abdul Rasheed
10.K.Jinthamoidheen
11.A.L.Fattah .. Respondents
(R4 to R11 are impleaded vide order dated 10.07.2017
in M.P.(MD).No.1 of 2014)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to remove the encroachments in the pathway to the shopping complex situated in Sarkarpettai, Trichy and ensure free accessibility by initially appropriate action within the time frame fixed by this Court.



For petitioner

: Mr.Pandiyarajan for
Mr.Al.Kannan

For R1

: Mr.T.S.Md.Mohaideen
Additional Government Pleader

For R2 & R3

: Mr.N.S.Karthikeyan

For R4 to R11

: Mr.H.Thayumanaswamy

O R D E R

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

The petitioner filed this writ petition to direct the second respondent to take action against the respondents 4 to 11 and to remove the encroachment.

2.The representation submitted by the petitioner on 08.04.2011, is pending on the file of the Commissioner, Trichy City Municipal Corporation.

3.The learned counsel for the respondents 4 to 11 submitted that the second respondent issued eviction notices earlier and the same were challenged before the civil Court in O.S.Nos.341 of 2013 etc., batch and the same are pending before the District Munsif Court, Trichy.

4.The authority concerned to take action for removal of encroachment in this case is the second respondent.

5.We direct the second respondent to issue notice to the respondents 4 to 11 and decide as to whether there is an act of encroachment. In case the respondents 4 to 11 are encroachers, follow-up action should be taken for removal of encroachment. It is open to the Commissioner to pass orders for removal of encroachment and execute the same notwithstanding the pendency of the civil suit filed against the notices issued earlier.

The writ petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

<https://hcservices.court.gov.in/hcservices/> Collector,
Trichy,
Trichy District.



2. The Trichy City Municipal Corporation,
Rep by its Commissioner,
Trichy.

3. The Assistant Commissioner,
Ariyamangalam Division,
Trichy City Municipal Corporation,
Trichy.

+1cc to Mr.AL.Kannan, Advocate in SR.No.72137
+1cc to Mr.N.S.Karthikeyan, Advocate in SR.No.71880
+1cc to Mr.H.Thayumana swamy, Advocate in SR.No.72071

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AE/SKN/SAR3/23.08.2017/3P/7C

ORDER MADE IN
W.P (MD) No. 4465 of 2014
10.08.2017