



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **26.07.2017**

CORAM:

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

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

W.P. [MD] .No.8582 of 2014

and

M.P (MD) No.1 of 2014

P.Ganesan

: Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Commissioner,
Sankarankovil Municipality,
Tirunelveli District.
- 4.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.
- 5.The Inspector of Police,
Sankarankovil Police Station,
Tirunelveli District.
- 6.Mr.Damotharan
(R6 impleaded as per order dated 07.07.2014
in M.P.No.2 of 2014)

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to stop the illegal construction being done by the wrong doers and to remove the encroachment in T.S.No.63, Ward.B, Block 34, Kakkan Colony, Gandhi Nagar, Sankarankovil, Tirunelveli District in accordance to the third resolution of the peace committee held on 16.12.2006 convened the 2,4&5 and the order passed by this Court in W.P.(MD)No.2056/11 and also based on the petitioner's representation dated 05.05.2014 within the time limit that may be stipulated by this Court which may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.M.Rajendran

For Respondents 1,2,4 & 5: Mr.T.S.Mohamed Mohideen,
Additioanal Government Pleader

For Respondent No.3 : Mr.P.Mahendran

For Respondent No.6 : K.Prabhu

**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 respondents 1 to 5 to remove the encroachment in respect of the public property in T.S.No.63, Ward.B, Block 34, Kakkan Colony, Gandhi Nagar, Sankarankovil, Tirunelveli District.

2. The counter-affidavit filed by the Commissioner, Sankarankovil Municipality, indicates the factual position containing the admission with regard to the encroachment in respect of the public property. According to the Commissioner, the encroachment would be removed in due course.

3. We direct the Commissioner, Sankarankovil Municipality to complete the eviction of encroachment, after issuing notice to all the encroachers and giving them a reasonable opportunity. Such exercise shall be completed within a period of six 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, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Commissioner,
Sankarankovil Municipality,
Tirunelveli District.
- 4.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.
- 5.The Inspector of Police,
Sankarankovil Police Station,
Tirunelveli District.

+1cc to Mr.K.PRABU Advocate in SR. No.68199

+1cc to Mr.S.BASKAR MATHURAM Advocate in SR. No.68451

AM/MYR

JS/SKN.RSK/SAR.1/4.8.2017/2P-8C

Order made in**W.P. [MD].No.8582 of 2014****Dated:26.07.2017**