



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. [MD].No.10745 of 2017

S.Murugesan : Petitioner

Vs.

1.The District Collector,
Madurai, Madurai District.

2.The Divisional Engineer,
National Highway Authority of India,
Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the encroachment made at pathway at Survey No.513/2, Kathapatti Village, Melur Taluk, Madurai District and restore the same in its original width of 15 feet, by considering the representation of the petitioner dated 19.05.2017, within a time frame, that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.K.Guru
Additional Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.K.Guru, learned Additional Government Pleader, who appears and accepts notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks for a Writ of Mandamus directing the respondents to remove the encroachment made at pathway, Survey No.513/2, Kathapatti Village, Melur Taluk, Madurai District and restore the same in its original width of 15 feet, by considering



the representation of the petitioner dated 19.05.2017, within a time frame.

3. The said representation is stated to have been on 19.05.2017. Furthermore, we find that the alleged encroachers have not been arrayed as party respondents in the Writ Petition. The authorities should be granted reasonable time to consider the representation and take appropriate action in the matter. Without affording a reasonable time to the authorities, the petitioner has approached this Court by way of this Writ Petition. Therefore, at this juncture, we do not propose to issue any positive direction, but, it would suffice to observe that it is open to the petitioner to pursue his representation before the authorities concerned.

4. The Writ Petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai, Madurai District.

2.The Divisional Engineer,
National Highway Authority of India,
Madurai.

+1 cc to Mr.S.C.Herold Singh , Advocate in SR.No. 59462

+1 cc to Special Government Pleader in SR.No.59440

NB

AE/MR/SAR2/16.06.2017/2P/5C

**ORDER MADE IN
W.P. [MD] .No.10745 of 2017
09.06.2017**