



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2017
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.11380 of 2017

K.Paramasivam

.. Petitioner

Vs.

1.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

2.The Deputy Director,
Tiruchirapalli Local Planning Authority,
10-A, Williams Road, Cantonment,
Tiruchirapalli - 620 001.

3.The Member Secretary,
Tiruchirapalli Local Planning Authority,
10-A, Williams Road, Cantonment,
Tiruchirapalli - 620 001.

4.The Executive Officer,
Manachanallur Town Panchayat,
Tiruchirapalli - 620 001.

5.A.Durai Raj

6.Seetha

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachments made in the land earmarked as road in Survey No.1/7, Lakshmi Nagar, Manachanallur in the layout approved by the second respondent by his proceedings in M.V/N.Uu.Thu.E(Thi.M)No.38/2004, dated 11.10.2004 and to consequently maintain the road in the said land within the time that may stipulated by this Court.

For Petitioner

: Mr.M.Mahaboob Athiff

for M/s.Ajmal Associates

For Respondents 1 to 3

: Mr.K.Guru,

Additional Government Pleader.

For Respondent No.4

: Mr.Baskarapandian

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove encroachments which are in existence in Survey No.1/7 classified as a road, by way of issuing a writ of mandamus.

2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the respondents 1 to 3 and Mr.Baskarapandian, learned counsel, has taken notice for the fourth respondent. Considering the nature of the relief sought in the writ petition and also classification of Survey No.1/7, notice need not be sent to the respondents 5 and 6.

3.The contention putforth on the side of the petitioner is that the fifth respondent has made certain encroachments in Survey No.1/7 and the same is nothing, but a layout road and vested with the fourth respondent and since the fifth respondent has made certain encroachments in Survey No.1/7, the present writ petition has been filed for getting the relief sought therein.

4.In fact, this Court has perused the relevant records and ultimately found that the disputed area is a proposed road.

5.The main contention putforth on the side of the petitioner is that the fifth respondent has made certain encroachments in the proposed road of the layout mentioned in the petition.

6.Considering the fact that Survey No.1/7 is nothing, but a layout road and also considering the contention putforth on the side of the petitioner against the fifth respondent, this Court is inclined to pass the following order.

7.In fine, this writ petition is allowed in part without costs and the fourth respondent is directed to conduct proper survey after giving due notice to concerned parties in respect of Survey No.1/7 and if there is any encroachment directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



To

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Tiruchirapalli - 620 001.

+One c to The Special Government Pleader, SR.No.61196

smn

RL/6C/3P/KP/SAR1/30/6/2017

ORDER MADE IN

W.P (MD) No.11380 of 2017

20/06/2017