



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2017

CORAM :

WEB COPY

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

W.P (MD) No.11497 of 2017

R.Venkateshwar

... Petitioners

vs.

1.The District Collector,
Thanjavur.

2.The Revenue Divisional Officer,
Pattukottai, Thanjavur District.

3.The Assistant Engineer,
Highways Department,
Peravurani Taluk, Thanjavur District.

4.The Inspector of Police,
Peravurani Police Station,
Peravurani Taluk,
Thanjavur District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to remove the encroachments / illegal occupants made in the either sides of the road in peravurani town permanently and also to remove the illegal flex banners by ensuring free flow traffic and avoid public nuisance within stipulated time.

For Petitioner	: Mr.R.M.Arun Swaminathan
For Respondents	: Mr.M.Govindan, Special Government Pleader. Mr.Isaac Mohanlal, Senior Counsel Advocate Commissioner.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J)

<https://hcservices.courts.gov.in/hcservices/>
The petitioner filed this writ petition to direct the respondents to remove the encroachments / illegal constructions



made on either side of the road in Peravurani Town and further to remove the illegal flex banners and to ensure free flow of traffic.

2. This Court taking into account the seriousness of the issue raised by the petitioner, appointed Thiru. Isaac Mohanlal, learned senior counsel as an Advocate Commissioner to inspect the property in question and to submit a report.

3. The report submitted by the learned Advocate Commissioner indicates that the respondents have removed 80% of the encroachments and 20% of encroachment is still to be removed. According to the learned Advocate Commissioner, there are concrete constructions which are permanent in nature and it would be very difficult to remove those buildings.

4. The report submitted by the learned Advocate Commissioner contain the action taken by the respondents for removal of encroachments. Encroachers are not parties to the writ petition. There is no question of issuing a direction to remove the balance 20% of encroachments.

5. In view of the report submitted by the learned Advocate Commissioner that the constructions are permanent in nature, it would be difficult to remove the same without effecting the structural stability. We are therefore of the view that no further adjudication is necessary in this writ petition. However, we make it clear that this order would not stand in the way of the authorities from taking action for removal of the remaining encroachments. We express our appreciation of the work done by the learned Advocate Commissioner.

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

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Thanjavur.

2. The Revenue Divisional Officer,
Pattukottai, Thanjavur District.

3. The Assistant Engineer,
Highways Department, Peravurani Taluk, Thanjavur District.

4. The Inspector of Police,
Peravurani Police Station, Peravurani Taluk, Thanjavur District.

+One cc to The Special Government Pleader, SR.No.66121

Arul/skm