



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.[MD].No.12144 of 2017

Savari Rayan @ Jesuraj : Petitioner

Vs.

- 1.The Commissioner,
Thirumangalam Municipalaity,
Thirumangalam.
- 2.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.
- 3.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
- 4.Subbulakshmi
- 5.Kannan
- 6.Aandavar Kuzhanthai
- 7.M.Natarajan
- 8.Aandavar Puthiran
- 9.Mayandi
- 10.Manoharan : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments in Valayalkara Street made by the respondents 4 to 10 in public pathway in Town Survey No.185, in front of the petitioner's shop by obstructing the petitioner's ingress and egress to the said shop, in the light of the order passed by this Court in W.P.(MD).No.5032 of 2017, dated 23.03.2017.

For Petitioner : Mr.N.Ananthapadmanabhan

For Respondents1to3 : Mr.K.Guru
Additional Government Pleader



O R D E R

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

The petitioner is the owner of a shop in Valayalkara Street, falling within Thirumangalam Municipality. It appears that a staircase was put up by the petitioner so as to have access to his shop. This was objected to by filing a Writ Petition in W.P.(MD). No.5032 of 2017 and a Division Bench of this Court, by order dated 23.03.2017, directed the third respondent therein to conduct proper survey in respect of Town Survey No.185, Valayalkara Street, Thirumangalam Municipality. The petitioner is stated to have co-operated with the officials and accordingly, the staircase has been removed. To prove the same, the petitioner has produced photographs. Now, the petitioner is aggrieved by the street vendors, who are squatting the road in front of his shop, thereby preventing access to his shop and in spite of his representation, no action has been taken, which has prompted the petitioner to approach this Court.

2. Mr.K.Guru, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that as-of-now, the encroachments have been removed.

3. However, from the photographs produced before us, we find that the encroachers are vegetables traders, who are doing business by squatting in front of the shop of the petitioner. Therefore, the third respondent Municipality has to ensure that a permanent solution is made and see that those traders are re-located in a proper place and the entire street is kept free from any encroachment either on the road or in the road margin.

4. Accordingly, we direct the first respondent to consider the representation of the petitioner dated 06.06.2017 and to take appropriate action to re-locate the street vendors, who are virtually squatting in front of the petitioner's shop, thereby preventing access to the shop of the petitioner. The above direction be complied with within a period of two weeks from the date of receipt of a copy of this order. On such encroachment being removed, the first respondent shall ensure that those traders do not once again come to the same place and do the hawkings. The respondents 2 and 3 are directed to provide adequate police assistance to carry out the above direction.

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

Sd/-

Assistant Registrar(C.O)



WEB COPY

- 1.The Commissioner,
Thirumangalam Municipalaity,
Thirumangalam.
- 2.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.
- 3.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.

+One cc to Mr.N.Anandhapadmanabhan, Advocate, SR.No.62802

+One cc to The Special Government Pleader, SR.No.63088

NB

RL/6C/3P/KP/SAR1/5/7/2017

ORDER MADE IN

W.P.[MD].No.12144 of 2017

30.06.2017