



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)Nos.1247 and 2993 of 2017
and
W.M.P(MD)Nos.1042 and 2409 of 2017

W.P(MD)No.1247 of 2017:

Jyothish John

.. Petitioner

Vs.

1.The Commissioner,
Kodaikanal Municipality,
Lake Road, Kodaikanal.

2.The Town Planning Officer,
Kodaikanal Municipality,
Lake Road, Kodaikanal.

3.Elangovan

4.Chinnathambi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus forbearing the respondents from putting up any constructions on the land earmarked as road thereby shrinking the 30 feet road to 18 feet road and directing the respondents to maintain the 30 feet road without any constructions.

For Petitioner : Mr.S.M.S.Johnny Basha

For Respondents 1 and 2 : Mr.T.S.Mohammed Mohideen

For Respondent No.3 : Mr.J.Alaguram Jothi

For Respondent No.4 : No appearance

W.P(MD)No.2993 of 2017:

Asha Jyothish

.. Petitioner

Vs.



2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

3.Mrs.Vasuki
through Chinnathambi,
Vijay Constructions,
Naidupuram, Kodaikanal.

4.A.Angumani,
Sastha Builders and Promoters,
Observatory, Kodaikanal.

.. 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 to consider petitioner's representation dated 13.02.2017 and to take action on petitioner's petition dated 08.02.2017 addressed to the second respondent and to take appropriate steps to remove the superstructures of constructions put up by the respondents 3 and 4 by encroaching the Municipality Road.

For Petitioner : M/s.S.Jenifer Evangelin Veronica

For Respondent No.1 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.2 : Mr.T.S.Mohammed Mohideen

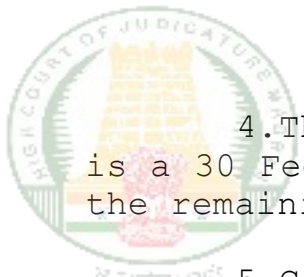
COMMON ORDER

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

These writ petitions have been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to remove encroachments alleged to have been made by the remaining respondents in Municipal Road, which situates in Kodaikanal, by way of issuing a writ of mandamus.

2.It is averred in both petitions that the respondents 3 and 4 have made certain encroachments in 30 Feet Road which vests with the Kodaikanal Municipality and for the purpose of removing the same, these writ petitions have been filed.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the first respondent and Mr.T.S.Mohammed Mohideen, learned counsel, has taken notice for the second respondent viz., Commissioner, Kodaikanal Municipality in W.P(MD) No.2993 of 2017. Since the road mentioned in both petitions vests with the Kodaikanal Municipality and the Commissioner of the same is the competent authority to take appropriate steps, notice need not be sent to the remaining respondents.



4.The main averments made in both petitions are that there is a 30 Feet Road which vests with the Kodaikanal Municipality and the remaining respondents have made certain encroachments.

5.Considering the averments made in both petitions, this Court is inclined to pass the following order.

6.In fine, both writ petitions are allowed without costs and the Commissioner, Kodaikanal Municipality is directed to conduct proper survey in respect of 30 Feet Road mentioned in both petitions and if there is any encroachment remove the same under due process of law within a period of two months. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Dindigul District, Dindigul.

2.The Commissioner,
Kodaikanal Municipality,
Lake Road, Kodaikanal.

3.The Town Planning Officer,
Kodaikanal Municipality,
Lake Road, Kodaikanal.

+2CC to M/S.T.S.Mohamed Mohidheen, Advocate, SR.No. 9585,9586

+1CC to M/S.S.M.S.Johnny Basha, Advocate, SR.No. 10102

+1CC to the Special Government Pleader, SR.No. 10059

+2CC to M/S.S.Jenifer Evangelin Veronica, Advocate, SR.No. 9547

COMMON ORDER MADE IN
W.P (MD) Nos.1247 and 2993 of 2017
and
W.M.P (MD) Nos.1042 and 2409 of 2017
22.02.2017

smn

AM/JM/SAR-3/28.02.2017/3P/10C