



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.1368 of 2017

K.Sonai

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation,
Annamaligai, Tallakulam,
Madurai - 625 002.

3.The Assistant Commissioner,
Madurai Corporation Zone - 4,
Madurai.

4.Ranjith

5.Ravichandran

5.Deivendran

7.Rajendran

.. 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 3 to remove the encroachment put up by the respondents 4th to 7th in Survey No.305 of adjoining Street which was connected to Madakulam Main Road to an extent of 65 Feet Length and 15 Feet of Width of public road by considering the petitioner's petition within a stipulated time as may be fixed by this Court.

For Petitioner : M/s.A.S.Shangeetha

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

For Respondents 2 and 3: Mr.R.Murali

**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 3 to remove encroachments alleged to have been made in Survey No.305/5, Madakulam Village, Madurai District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Madakulam Village, wherein in Survey No.305/5, certain encroachments are in existence and further the same has been classified as road. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the first respondent. Mr.R.Murali, learned counsel, has taken notice for the respondents 2 and 3.

4.The learned counsel appearing for the respondents 2 and 3 has fairly conceded to the effect that in Survey No.305/5 certain encroachments are in existence and further the same has been classified as a street.

5.Considering the clear admission made on the side of the respondents 2 and 3 and also considering the averments made in the petition, this Court is inclined to pass the following order and further considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondents.

6.In fine, this writ petition is allowed without costs and the respondents 2 and 3 are directed to remove encroachments which are in existence in Survey No.305/5, Madakulam Village under due process of law within a period of two months.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation,
Tallakulam,
Madurai - 625 002.



3.The Assistant Commissioner,
Madurai Corporation Zone - 4,
Madurai.

+1 cc to Mr.A.S.Shangeetha, Advocate, SR.No:4949

+1 cc to Mr.R.Murali, Advocate, SR.No:5138

+1cc to Special Govt. Pleader SR.No.4748

smn

AE/MR VB/07.02.2017/3p/7c

ORDER MADE IN
W.P (MD) No.1368 of 2017
30.01.2017