



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2017

CORAM:

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

W.P (MD) No.13846 of 2017

N.Nallakkani

... Petitioner

Vs.

1.The District Collector,
Madurai District Collector Office,
Madurai-625 020.

2.The Joint Director of Municipality,
Madurai,
Madurai District.

3.The Commissioner,
Melur Municipality,
Melur Taluk,
Madurai District.

4.Sahir Hussain

5.J.Farida Begum

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent no.3 to remove the encroachment and obstruction made on the western part of the Maniyakkara Street, Melur Town, Madurai District, in Old Survey No.240 of 6 Pa, 240 of 8 Pa, 240 of 9 Pa and 245 of 1A, New Number in A-Ward, 17 Block, T.S.No.28, by 4 and 5th Respondent, by considering petitioner's representation dated 20.10.2016, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents 1 & 2: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For 3rd Respondent : Mr.J.Gunaseelan Muthiah
Government Advocate

For Respondents 4 & 5 :Mr.A.Rajendran

**O R D E R**

[Order of the Court was delivered by **K.K.SASIDHARAN, J.**]

The petitioner earlier filed a writ petition in W.P.(MD). No.3036 of 2011 for removal of encroachment. The writ petition was allowed by order, dated 16.03.2011. Since action was not taken by the respondents 1 to 3 for removal of encroachment, the petitioner once again filed this petition.

2. This Court directed the respondents 1 to 3 to remove the encroachment by order, dated 16.03.2011. Incase the encroachment has not been removed, the petitioner should have approached this Court with a contempt petition within a reasonable period. The present writ petition is filed only to implement the earlier order dated 16.03.2011. We therefore do not find any reason to issue a mandamus as prayed for by the petitioner. However, we make it clear that this order would not stand in the way of the respondents 1 to 3 from taking action for removal of encroachment.

3. The Writ Petition is dismissed with the above observation. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District Collector Office,
Madurai-625 020.

2.The Joint Director of Municipality,
Madurai,
Madurai District.

3.The Commissioner,
Melur Municipality,
Melur Taluk, Madurai District.

+1cc to Mr.J.GUNASEELANMUTHIAH, Advocate, SR.75537

+1cc to Mr.A.HAJA MOHIDEEN, Advocate, SR.75474

+1cc to M/S.Special Government Pleader, SR. 76014

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