



WEB COPY

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.1419 of 2017

RM.Arun Swaminathan

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.Joint Commissioner/Executive Officer,
Arulmigu Thandhayuthapani Swamy Temple,
Palani, Dindigul District.

4.The Commissioner,
Palani Municipality,
Palani, Dindigul District.

5.The Director General,
NHAI, Chepauk, Chennai - 5.

.. 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 remove all the encroachments in Giriveethi, Sannathi Street, Rural Roads, Highways, District Roads, in and around Palani Municipality, Dindigul District and thereby ensuring public safety and health during Thai Poosam Festival, 2017 which commences from 03.02.2017 to 15.02.2017 and consequently to direct the respondents to take effective steps to forbear the encroachers permanently from encroaching the said area again.

For Petitioner

: Mr.KN.Govarthanan

For Respondents 1 and 2

: Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.3

: Mr.K.Govindarajan

**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 to remove encroachments in the places mentioned in the petition, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Karaikudi. Further it is averred in the petition that in Giriveethi, Sannathi Street, Rural Roads, Highways, District Roads and in and around Palani Municipality, so many encroachments are in existence. 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 respondents 1 and 2 and Mr.K.Govindarajan, learned counsel, has taken notice for the third respondent. The learned standing counsel appearing for the fourth respondent as well as learned standing counsel appearing for the fifth respondent are not present.

4.As adverted to earlier, the main contention putforth on the side of the petitioner is that there are so many encroachments in Giriveethi, Sannathi Street, Rural Roads, Highways, District Roads and in and around Palani Municipality.

5.The learned counsel appearing for the third respondent has contended to the effect that already some encroachments have been removed and now the Municipality, Palani has attempted to issue licence to vendors and under the said circumstances a separate writ petition has also been filed.

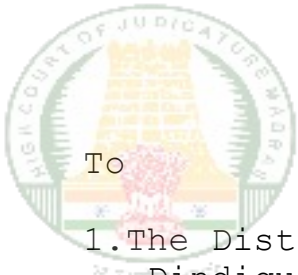
6.Considering the averments made in the writ petition and also the stand taken on the side of the third respondent, this Court is inclined to pass the following order.

7.In fine, this writ petition is allowed without costs and the respondents 1 to 4 are directed to remove all encroachments, which are in existence in the places mentioned in the petition under due process of law within a period of two months.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Dindigul District, Dindigul.

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.The Joint Commissioner/Executive Officer,
Arulmigu Thandhayuthapani Swamy Temple,
Palani, Dindigul District.

4.The Commissioner,
Palani Municipality,
Palani, Dindigul District.

+1 CC to M/s.GOVARDHANAN, Advocate, SR No.4684

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.4747

**ORDER MADE IN
W.P(MD)No.1419 of 2017**

smn

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