



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.09.2017

CORAM:

WEB COPY

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

W.P (MD) No.14522 of 2017

J.Ayyanar

.. Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
 2. The Commissioner,
Virudhunagar Municipality,
Virudhunagar.
 3. Mariappan
 4. The Divisional Engineer,
Highways (CRM),
Virudhunagar.
- (R4 is suo motu impleaded vide court order
dated 23.08.2017)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to relocate the shop of the third respondent situated by obstructing the pathway to Agraharam Street, Virudhunagar from North Car Street, Virudhunagar and clear the said pathway.

For petitioner	: Mr.M.Prabhu for M/s.Polax Legal Solutions
For R1 & R4	: Mr.T.S.Md.Mohideen Additional Government Pleader
For R2	: Mr.M.Muthugeethayan
For R3	: No appearance

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]



favour of the third respondent to run a small shop. The third respondent happens to be a physically challenged person. The location of the shop run by the third respondent obstructed the pathway. The petitioner, therefore, gave a representation to the authorities. Since it was not considered, the present writ petition came to be filed.

2. Since the concerned authority is the Divisional Engineer Highways, he was impleaded as the fourth respondent. Today, when the matter was taken up for hearing, the learned Additional Government Pleader on the strength of the communication, dated 15.09.2017, from ADE (Highways), Virudhunagar, submitted that the third respondent is an encroacher, who was obstructed and encroached the Road. It is further stated that he would be evicted by following due process of law. This statement is placed on record. We make it clear that the object of this writ petition is not to evict the third respondent or deprive him of his livelihood. The only concern of the writ petitioner is that the shop of the third respondent should be located in such a manner does not cause any hindrance to the general public or obstructs the street or road. The fourth respondent as well as the second respondent will bear this in mind, when relocating the shop of the third respondent.

3. With these observations, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Commissioner,
Virudhunagar Municipality,
Virudhunagar.
3. The Divisional Engineer,
Highways (CRM), Virudhunagar.

- + 1 CC TO M/s.POLAX LEGAL SOLUTIONS, IN SR No. 79792
- + 1 CC TO Mr.M.MUTHU GEETHAYAN, ADVOCATE IN SR No. 79393
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79729

RMK/PJL

TE/MR-KKR/SAR-IV : 09/10/2017 : 2P/7C

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18.09.2017