



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.02.2017

CORAM:

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

W.P (MD) No.1888 of 2017

C.Ramprakash

... Petitioner

Vs.

1.The District Collector,
Sivaganga District,
Sivaganga.

2.The Revenue Divisional Officer,
Devakottai, Sivaganga District.

3.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

4.The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivaganga District.

5.Sundarapandian

6.Valli

7.Muthalagu

8.Subramanian

.. 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 4 to take action for removal of encroachments in the public street comprised in T.S.No.1237, Ward No.2, Block No.21, Karaikudi, Sivaganga District by respondents 5 to 8.

For Petitioner

: Mr.R.Sundar Srinivasan

For Respondents 1 to 3

: Mr.M.Govindan

Special Government Pleader.



For Respondent No.4 : Mr.P.Mahendran

ORDER

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[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 4 to remove encroachments which are in existence in T.S.No.1237, Ward No.2, Block No.21, Karaikudi, Sivaganga District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Karaikudi, wherein T.S.No.1237 has been classified as a street. The respondents 5 to 8 have made certain encroachments. Under the said circumstances, a representation has been given on 04.03.2013 and no action has been taken and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3. Mr.P.Mahendran, learned counsel, has taken notice for the fourth respondent. Considering the nature of the relief sought in the writ petition, notice need not be sent to the respondents 5 to 8.

4.The specific case of the petitioner is that T.S.No.1237, Karaikudi Town has been classified as a street and the respondents 5 to 8 have encroached a portion of the same.

5.It is seen from the records that already a writ petition in W.P(MD)No.8809 of 2013 has been filed on the file of this Court and the same has been disposed of by way of giving necessary direction to consider the representation alleged to have been given by the petitioner. In the said writ petition, the concerned authority has filed a counter, wherein it has been clearly admitted to the effect that encroachments are in existence in T.S.No.1237.

6.Considering the aforesaid factual aspects and also considering the fact that T.S.No.1237, Ward No.2, Block No.21, Karaikudi has been classified as a street, this Court is inclined to pass the following order.

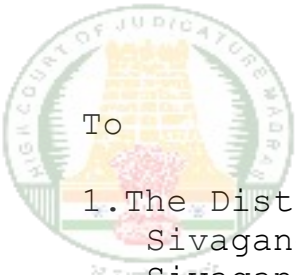
7.In fine, this writ petition is allowed without costs and the fourth respondent is strictly directed to remove encroachments which are in existence in T.S.No.1237, Ward No.2, Block No.21, Karaikudi, Sivaganga District under due process of law within a period of two months.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assisstant Registrar



To

1.The District Collector,
Sivaganga District,
Sivaganga.

2.The Revenue Divisional Officer,
Devakottai,
Sivaganga District.

3.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

4.The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivaganga District.

+1cc to Mr.R.SundarSrinivasan,SR.5895

+1cc to Mr.P.Mahendran,SR.6068

+1cc to Special Government pleader,SR.6411

SMN

KK-MSK-saR2-06.02.17-3P-8C

ORDER MADE IN
W.P (MD) No.1888 of 2017
03.02.2017