



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.19377 of 2017

Jahir Hussain

: Petitioner

.vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Corporation Commissioner,
Madurai Corporation,
Madurai.
3. The Commissioner of Police,
Madurai City,
Mamdurai.
4. The Divisional Engineer,
State Highways Department,
Madurai.
5. The Inspector of Police,
B-1, Vilakuthoon Police Station,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the Respondents 1 to 4 to remove the police outpost made by the Respondent No.5 in East Veli Street, Nelpettai, Madurai by considering the Petitioner's representation dated 06.09.2017.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.T.R.Janarthanan,
Additional Government Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

The Petitioner has preferred the instant Writ Petition praying for passing of an order by this Court in directing the Respondents 1



to 4 to remove the police outpost made by the Respondent No.5 in East Veli Street, Nelpettai, Madurai, by considering the Petitioner's representation dated 06.09.2017.

2. Heard both sides. No counter-affidavit is filed on behalf of the Respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the Petitioner, he has addressed a representation dated 06.09.2017 before the fourth Respondent to remove the encroachment made by the fifth Respondent. But, that representation has not seen the light of the day. Therefore, the Petitioner has filed the present Writ Petition before this Court.

5. The Learned Counsel for the Petitioner submits that the Petitioner had applied before the second Respondent under the R.T.I Act and sought information regarding the permission obtained for the outpost of the fifth Respondent. But, the Respondents 2 and 4 had replied to the Petitioner's application and furnished information dated 20.06.2017 and 28.08.2017 respectively and categorically mentioned that no such permission was obtained by the fifth Respondent to construct building, electricity connection and drainage connection.

6. Per contra, it is the submission of the Learned Additional Government Pleader appearing for the Respondents that in the year 2000 permission was granted for the outpost by the Commissioner of Police, Madurai City as well as the second Respondent/Commissioner, Madurai Corporation, Madurai and as such, the relief sought for by the Petitioner in the present Writ Petition is not to be granted by this Court in the interest of justice.

7. On a careful consideration of the respective contentions advanced on either side, this Court bearing in mind the facts and circumstances of the present case in a categorical manner comes to an inevitable conclusion that the Petitioner's representation dated 06.09.2017 is to be disposed of by the Respondents 1 to 4 in the manner known to law and in accordance with law, of course on merits, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/



1. The District Collector,
Madurai District,
Madurai.

2. The Corporation Commissioner,
Madurai Corporation,
Madurai.

3. The Commissioner of Police,
Madurai City,
Mamdurai.

4. The Divisional Engineer,
State Highways Department,
Madurai.

5. The Inspector of Police,
B-1, Vilakuthoon Police Station,
Madurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83000

+ 1 CC TO Mr.S.M.A.JINNAH, ADVOCATE IN SR No. 82967

+ 1 CC TO Mr.J.GUNASEELAN MUTHAIAH, ADVOCATE IN SR No. 82909

PM

TE/KK/SAR-III : 30/10/2017 : 3P/9C

ORDER MADE IN
W.P. (MD) No.19377 of 2017
13.10.2017