



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2017

WEB COPY

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THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.1987 of 2017 and
WMP(MD)No.1643 of 2017

Aaja Jyothish

... Petitioner

-vs-

1. The Commissioner,
Kodaikanal Municipality,
Lake Road,
Kodaikanal.
2. The Town Planning Officer,
Kodaikanal Municipality,
Lake Road, Kodaikanal.
3. Elangoven
4. Chinnathambi
5. A.Arunmani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from putting up any constructions on the land situated at old Survey No.151 and 153 part correlated in Re Survey Ward B , Block No.10, Town Survey No.11 part nearby Plot Nos.117 to 123 earmarked as road thereby encroaching the common public road and directing the respondents to maintain the 30 feet common public road without any constructions.

For Petitioner	: Mr.S.M.S.Johnny Basha
For RR - 1 & 2	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R - 3	: Mr.J.Alaguram Jothi
For R - 4	: No appearance
For R - 5	: Mr.J.Hassanul Bazari

**O R D E R****[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 and 2 to remove encroachments mentioned in the petition by way of issuing a Writ of Mandamus.

2.It is seen from the records that the present petitioner and her husband have filed WP(MD)Nos.1247 and 2993 of 2017, wherein this Court has directed the concerned authorities to conduct proper survey in respect of 30 feet road mentioned in both the petitions and if there is any encroachment, remove the same under due process of law within a period of two months.

3.Considering the nature of orders passed in previous Writ Petitions, this Court feels that this Writ Petition is totally unwarranted and therefore, the same is liable to be dismissed.

4.In fine, this Writ Petition is dismissed. No costs. Consequently, WMP(MD)No.1643 of 2017 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Kodaikanal Municipality,
Lake Road,
Kodaikanal.

2. The Town Planning Officer,
Kodaikanal Municipality,
Lake Road, Kodaikanal.

+ 1 CC TO Mr.S.M.S.JOHNNY BASHA, ADVOCATE IN SR No. 11461
+ 1 CC TO Mr.T.S.MOHAMMED MOHIDEEN, ADVOCATE IN SR No. 11265
+ 1 CC TO Mr.J.M.HASSANUL BAZARI, ADVOCATE IN SR No. 11378

MJ

TE/CM-MSA : 15/03/2017 : 2P/6C