



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.1006 of 2016

and

W.M.P.[MD]No.831 of 2016

M.Ranjith Kumar

: Petitioner

Vs.

1.The Commissioner,
Gudalur Municipality,
Gudalur,
Uthamapalayam Taluk,
Theni District - 625 518.

2.S.Sivaji

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to remove the encroachment and all the illegal constructions put up by the second respondent in the common East to West blind lane leads from Idaiyar Street in Old Ward No.8, New Ward No.11 at Mela Gudalur Village, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.S.Chandrasekaran

For Respondent No.1 : Mr.M.Govindan,
Special Government Pleader

For Respondent No.2 : Mr.R.Suriyanarayanan

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition to direct the first respondent to remove the encroachment stated to have been caused by the second respondent in respect of the land in Old Ward No.8, New Ward No.11 at Mela Gudalur Village, Uthamapalayam Taluk, Theni District.

2. The Writ Petition is contested by the second respondent by contending that the petitioner is also an encroacher.

3. Let notice be issued by the Commissioner, Gudalur Municipality, to the petitioner and the second respondent, In case it is made out that there is an act of encroachment at their



instance, It is open to the petitioner and the second respondent to submit their response. It is for the Commissioner thereafter to take a decision on merits.

4. The Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

The Commissioner,
Gudalur Municipality,
Gudalur,
Uthamapalayam Taluk,
Theni District - 625 518.

+1cc to Mr.K.SURIYANARAYANAN,Advocate,SR. 77902

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SML

KK/MR KKR/SAR 1/26.09.2017/ 2P- 3C/