



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.09.2017
CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.11612 & 11613 of 2016

W.P(MD)No.11612 of 2016 :

P.Muthuraj

... Petitioner

Vs.

1. The Executive Engineer,
Tamil Nadu Housing Board,
Ellisnagar, Madurai-16.
2. K.Suresh
3. R.Kalyanasundaram
4. Tamil Nadu Housing Board, (TNHB),
Rep.by its Chairman,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

(R4 is impleaded as per order
in WMP(MD)No.9070 of 2016,
dated 08.09.2017)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to remove the illegal encroachments out of the total area ie., the pathway and semi open space in the East - West 20.79 feet and North - South 33 feet in which the 2nd and 3rd respondents had encroached East - West 13 $\frac{3}{4}$ feet and North - South full extent of 33 feet pathway and semi open space inbetween the houses bearing door number L-3/30 and L-3/31 in sector 4, Railar Nagar, T.N.H.B Colony, Madurai-18 within the time frame to be specified by this Court.

W.P(MD)No.11613 of 2016 :



Vs.

1. The Executive Engineer,
Tamil Nadu Housing Board,
Ellisnagar, Madurai-16.

2. P.Velmurugan

3. Tamil Nadu Housing Board, (TNHB),
Rep.by its Chairman,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

(R3 is impleaded as per order
in WMP(MD)No.9069 of 2016,
dated 08.09.2017)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to remove the illegal encroachments out of the total area of pathway and semi open space in the East - West 20.79 feet, North - South 33 feet in which the 2nd respondent had encroached East - West 13 $\frac{3}{4}$ feet and North - South full extent of 33 feet in between the houses bearing door number L-5/81 and L-5/100 in sector 4, Railar Nagar, T.N.H.B Colony, Madurai-18 within the time frame to be specified by this Court.

For Petitioners : Mr.N.Murugesan
in both WPs.

For Respondents : Mr.M.Saravanan
in WP.11612/2013 for Mr.S.Nagarajan for R1
Mr.K.Muthumalai for RR2 & 3

For Respondents : Mr.M.Saravanan
in WP.11613/2013 for Mr.S.Nagarajan for R1
Mr.K.Muthumalai for RR2

C O M M O N O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioners seek removal of encroachments said to have been committed in the pathway and semi open space in Railar Nagar, T.N.H.B Colony, Madurai-18.

2.The writ petitioners have issued legal notices to the respondents. The Madurai Corporation by letter dated 26.04.2016 declined to intervene in the matter on the ground that the area in question has not been handed over to the Corporation. However, the first respondent is the authority competent to take action in



the matter.

3. We therefore direct the first respondent to enquire into the matter. If any encroachment is noticed in the common pathway or semi open areas in the layout promoted by Tamil Nadu Housing Board, the same shall be removed, of course after following the procedure set out in the Statute. The affected parties shall be heard. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. These writ petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Executive Engineer,
Tamil Nadu Housing Board,
Ellisnagar, Madurai-16.

+ 1 CC TO MR.K.Muthumalai, ADVOCATE IN SR No.77567
+ 2 CC TO MR.S.Nagarajan, ADVOCATE IN SR No.77774
+ 1 CC TO MR.N.Murugesan, ADVOCATE IN SR No.77756
+ 1 CC TO MR.N.Murugesan, ADVOCATE IN SR No.77757

skm/Arul

MK/SV MMS/SAR-1/03.10.2017/3P/7C

W.P(MD) No.11612 & 11613 of 2016
08.09.2017