



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.2645 of 2017

N.Senthilkumar

.. Petitioner

Vs.

1.The Commissioner,
Madurai Municipal Corporation,
Arignar Anna Maligai,
Madurai - 625 002.

2.The District Collector,
Collecorate Building,
Madurai District, Madurai.

3.Ravi

.. 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 first and second respondents to remove the encroachment made by the third respondent in Scheme III Madakulam Development 40 feet road, situated in R.S.No.252/2, R.S.No.262/4 in Ward No.68 in Madakulam Village, Palanganatham, Madurai South Taluk, Madurai IV Joint Sub Registrar, Madurai South Registration District in Madurai District.

For Petitioner : Mr.V.Santhakumaresan
For Respondent No.1 : Mr.R.Murali
For Respondent No.2 : Mr.M.Govindan
Special Government Pleader.

ORDER

[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 which are in existence in R.S.No.252/2 and R.S.No.262/4, Ward No.68, Madakulam Village, Palanganatham, Madurai South Taluk, Madurai District, by way of issuing a writ of mandamus.

<https://hcservices.ecourts.gov.in/hcservices/> Mr.R.Murali, learned counsel, has taken notice for the first respondent and Mr.M.Govindan, learned Special Government Pleader, has taken notice for the second respondent. Considering



the nature of the relief sought in the writ petition, notice need not be sent to the third respondent.

3.It is seen from the records that in the place mentioned in the petition, 40 Feet Common Road is in existence.

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4.The main contention putforth on the side of the petitioner is that in common road, some encroachments have been made by the third respondent. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the first respondent is directed to measure 40 Feet Road mentioned in the petition in the presence of the third respondent and if there is any encroachment, remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Madurai Municipal Corporation,
Arignar Anna Maligai,
Madurai - 625 002.

2.The District Collector,
Collecorate Building,
Madurai District, Madurai.

+1cc to Mr.R.MURALI Advocate in SR. No.9143

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.8967

SMN

JS/JM/22.02.2017/2P-5C/SAR.3

ORDER MADE IN
W.P (MD) No.2645 of 2017
16.02.2017