



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.03.2017
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.4601 of 2017

A.Poomayil .. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Thasildar,
Madurai East Taluk (New),
Narasingam,
Madurai District.

3.P.Lakshmi .. 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 respondent to consider the petitioner's representation dated 01.03.2017 and consequently direct the respondents to remove the encroachment to use the common passage by the public in Survey No.147/12, 147/20 (Paathai, Santhu) situated at North Street, Vandiyur IInd Bit, Madurai District.

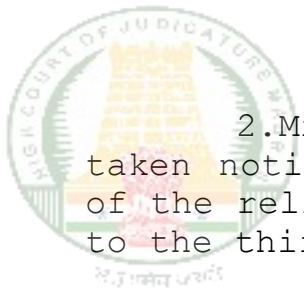
For Petitioner : Mr.J.Vijayaraja

For RR 1 & 2 : Mr.K.Guru,
Additional 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 to remove encroachments which are in existence in Survey Nos.147/12 and 147/20, North Street, Vandiyur IInd Bit, Madurai District, by way of issuing a Writ of Mandamus.



2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the respondents 1 and 2. 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 the second respondent has passed a proceeding wherein it has been clinchingly stated to the effect that Survey No.147/12 has been classified as a pathway and Survey No.147/20 has been classified as a lane.

4.The main contention putforth on the side of the petitioner is that the third respondent has made certain encroachments in Survey Nos.147/12 and 147/20.

5.Considering the nature of classification of Survey Nos.147/12 and 147/20 and also considering the main contention putforth on the side of the petitioner, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the second respondent is directed to conduct survey in Survey Nos.147/12 and 147/20, North Street, Vandiyur IInd Bit, Madurai District and if there is any encroachment, directed to remove the same under process of law within a period of two months.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Madurai District.

2.The Thasildar,
Madurai East Taluk (New),
Narasingam,
Madurai District.

+One cc to The Special Government Pleader, SR.No16166

+One cc to Mr.J.Vijayaraja, Advocate, SR.No.15911

ps

RL/5C/2P/SKN/RSK/27.3.2017

ORDER MADE IN
W.P (MD) No.4601 of 2017