



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.03.2017
CORAM:

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

W.P (MD) No.5191 of 2017

K.Velappan

.. Petitioner

Vs.

- 1.The District Collector,
Tirunelveli.
- 2.The Divisional Engineer,
National Highway Department,
South High Ground Road,
Palayamkottai,
Tirunelveli District.
- 3.The Assistant Divisional Engineer,
National Highway Department,
South High Ground Road,
Palayamkottai,
Tirunelveli District.
- 4.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
- 5.Joseph
- 6.Ramu

.. 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 respondents 1 to 4 to remove the encroachment of two wooden bunk shops belonging to the fifth and sixth respondents placed in the Tirunelveli - Madurai High Road (Opposite to Arasan Bakery - near Choco Bakery) at Tirunelveli Junction.

For Petitioner

: Mr.N.Ga.Natraj

For RR 1 to 3

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For R - 4

: Mr.Aayiram K.Selvakumar,
Government Advocate.

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> [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 to 4 to remove two wooden bunk shops belonging to the respondents 5 and 6, by way of issuing a Writ of Mandamus.



2. Mr. T. S. Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Mr. Aayiram K. Selvakumar, learned Government Advocate, has taken notice for the fourth respondent. Considering the nature of the relief sought in the Writ Petition and also considering the fact that already a proceeding is pending on the file of the third respondent, notice need not be sent to the respondents 5 and 6.

3. The learned counsel appearing for the petitioner has contended that the respondents 5 and 6 are having two wooden bunk shops at Tirunelveli - Madurai Highway Road. Under the said circumstances, a representation has been given, but the respondents 2 and 3 have not taken proper steps.

4. It is seen from the records that on the basis of the representation given by the petitioner, the second respondent has directed the third respondent to take appropriate action.

5. Considering the fact that already a proceeding is pending on the file of the third respondent, this Court is inclined to pass the following order.

6. In fine, the third respondent is directed to expedite the proceeding pending on his file and pass suitable orders as early as possible. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Tirunelveli.
2. The Divisional Engineer, National Highway Department,
South High Ground Road, Palayamkottai,
Tirunelveli District.
3. The Assistant Divisional Engineer,
National Highway Department, South High Ground Road,
Palayamkottai, Tirunelveli District.
4. The Commissioner, Tirunelveli Municipal Corporation,
Tirunelveli.

+One cc to Mr. N. G. A. Nataraj, Advocate, SR.No.17541

+One cc to Mr. Aayiram K. Selvakumar, Advocate, SR.No.17564

ps

RL/7C/2P/RR/SAR3/28.3.2017