



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.640 of 2017

Sivakumar

.. Petitioner

Vs.

1.State rep. through

The District Collector,
Trichy District.

2.The Commissioner,

Tiruchirapalli Municipal Corporation,
Trichy.

3.The Assistant Commissioner,

Ariyamangalam Zone,
Tiruchirapalli Municipal Corporation,
Trichy.

4.K.Ganesan

5.K.Rajendran

.. 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 second and third respondents to evict the encroachment made by the fourth and fifth respondents in Ward No.43, Ariyamangalam Zone, Tiruchirappalli Municipal Corporation TS No.21 based on the petitioner's representations dated 18.10.2016.

For Petitioner : Mr.S.Karthick Subramanian

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

For Respondents 2 and 3 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

O R D E R

[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 3 to remove encroachments made by the respondents 4 and 5 in Ward No.43, Ariyamangalam Zone, Tiruchirappalli Municipal Corporation TS No.21, by way of issuing a writ of mandamus.



2.It is averred in the petition that the petitioner is a resident of Kallukuzhi, Tiruchirappalli. Further it is averred in the petition that there are so many encroachments in Ward No.43, Ariyamangalam Zone, Tiruchirappalli Municipal Corporation. Under the said circumstances, a representation has been given on 18.10.2016. But no action has been taken and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the first respondent and Mr.N.S.Karthikeyan, learned Additional Government Pleader, has taken notice for the respondents 2 and 3. Considering the nature of the relief sought in the writ petition, notice need not be sent to the respondents 4 and 5.

4.The main averment made in the writ petition is that the respondents 4 and 5 have made certain encroachments in Ward No.43, Ariyamangalam Zone, Tiruchirappalli Municipal Corporation.

5.Considering the aforesaid factual aspect, the following order can be passed.

6.In fine, this writ petition is allowed without costs and the second respondent viz., Commissioner, Tiruchirappalli Municipal Corporation is directed to remove encroachments if any made in Ward No.43, Ariyamangalam Zone under due process of law within a period of two months.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Trichy District.

2.The Commissioner,
Tiruchirappalli Municipal Corporation,
Trichy.

3.The Assistant Commissioner,
Ariyamangalam Zone,
Tiruchirappalli Municipal Corporation,
Trichy.

+1cc to M/s.S.Karthick Subramanian, Advocate in SR No.2545

+1cc to Mr.N.S.Karthikeyan, Advocate in SR No.2442