



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7978 of 2017

A.Raja .. Petitioner
Vs.

- 1.The District Collector,
District Collector Office,
Theni.
- 2.The Commissioner,
Theni Allinagaram Municipality,
Theni.
- 3.The Building Inspector,
Theni Allinagaram Municipality,
Theni.
- 4.A.C.Manavalan
- 5.M.Paul Pandian

6.Kannan .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take immediate action to remove the encroachments in the premises of Col.John Pennycuik Memorial Bus Stand, Theni Allinagaram Municipality, Theni and consequently remove the illegal constructions made by respondents 4 to 6 in the aforesaid premises and take necessary action.

For petitioner	: Mr.A.Sivasubramanian
For R1	: Mr.M.Govindan Special Government Pleader
For R2 & R3	: M/s.K.Hemakarthiskeyan



O R D E R

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[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner seeks removal of the encroachment said to have been made within the premises of Col. John Pennycuik Memorial Bus Stand, Theni Allinagaram Municipality, Theni.

2. He would also allege that the respondents 4 to 6 have made illegal constructions therein. But this allegation of the writ petitioner is denied by the second respondent namely, the Commissioner, Theni Allinagaram Municipality, Theni. The second respondent would point out that in the said Bus Stand, there was a vacant place near the two wheeler parking stand which was being encroached upon by third parties. It was cleared. But such exercise proved to be futile, because there was encroachment once again. Therefore, the Theni Allinagaram Municipality decided to lease out the said area. Licence was given to one Thangavel Pandi to run a shop in the said place.

3. The second respondent has denied that the respondents 4 to 6 have committed the encroachment. Inasmuch as the area in question had been permitted to be occupied by a private party for a consideration by the Theni Allinagaram Municipality, there is no question of commission of any encroachment. The writ petition has been filed without any basis. It stands dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To:

1. The District Collector, District Collector Office, Theni.
2. The Commissioner, Theni Allinagaram Municipality, Theni.
3. The Building Inspector,

Theni Allinagaram Municipality, Theni.

+One cc to The Special Government Pleader, SR.No.70947

+One cc to Mr.A.Sivasubramanian, Advocate, SR.No.70087

+One cc to Mr.K.Hemakarthiskeyan, Advocate, SR.No.70127

mm/sss

RL/7C/2P/KK/SAR1/8/11/2017

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ORDER MADE IN

W.P (MD) No.7978 of 2017

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