



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.24647 of 2016

K.Saravanan

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Madurai,
Corporation Office,
Madurai - 625 020.

2.Samidurai

3.Radhakrishnan

4.Ayyadhurai

.. 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 respondent No.1 to remove the encroachments made in the Krishna Second Street situated at Town Survey Number:67, Ward No.22, Kochadai, Madurai based on the petitioner's representation dated 04.11.2016 within a stipulated time that may be fixed by this Court.

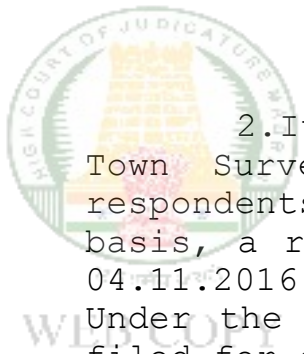
For Petitioner : Mr.R.Karunanidhi

For Respondent No.1 : Mr.N.Shanmuga Selvam,
Standing Counsel.

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 first respondent to remove encroachments which are in existence in Town Survey No.67, Ward No.22, Kochadai, Madurai, on the basis of representation given by the petitioner on 04.11.2016, by way of issuing a writ of mandamus.



2.It is averred in the petition that in Kochadai, Madurai, Town Survey No.67 has been classified as street. But the respondents 2 to 4 have made certain encroachments. On that basis, a representation has been given to the first respondent on 04.11.2016. But the first respondent has not done anything. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the writ petition.

4.Mr.N.Shanmuga Selvam, learned Standing Counsel, has taken notice for the first respondent. Considering the nature of classification made in respect of Town Survey No.67 and also considering the nature of the relief sought in the petition, notice need not be sent to the remaining respondents.

5.As stated earlier, the only contention putforth on the side of the petitioner is that Town Survey No.67 has been classified as street and on both sides of the same, the remaining respondents have made encroachments.

6.Considering the averments made in the petition and also classification of Town Survey No.67, this Court is of the view to give the following direction to the first respondent.

7.In fine, this writ petition is allowed without costs and the first respondent is directed to remove encroachments which are in existence in Town Survey No.67, Ward No.22, Kochadai, Madurai under due process of law within a period of two months.

Sd/-

Deputy Registrar(Accounts)

/True Copy/

Sub Assistant Registrar

To
The Commissioner,
Corporation of Madurai,
Corporation Office,
Madurai - 625 020.

+1 cc to MR.N.SHANMUGASELVAM, Advocate SR.No.82673

+1 cc to MR.R.KARUNANIDHI, Advocate SR.No.82600

ORDER MADE IN
W.P(MD)No.24647 of 2016
22.12.2016