



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

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

W.P. (MD) No.17817 of 2013

A.Balasubramanian

... Petitioner

Vs.

1.The District Collector for Madurai,
Collectorate,
Madurai - 625 020.

2.The Commissioner,
Madurai City Municipal Corporation,
Anna Maligai,
Madurai - 625 002.

3.The Commissioner of Police,
Madurai City Police,
Madurai - 625 001.

4.The Inspector of Police (L&O),
Jaihindpuram Police Station,
Jaihindpuram,
Madurai - 625 011.

5.Karnanithi

6.The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram,
Madurai.

... Respondents

(6th respondent is suo moto impleaded as per the
order of this court, dated 17.08.2017)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation, dated 17.10.2013 to remove the encroachments of the fifth respondent on the path way and the bank of Channel, situated in Survey No.68/2 in Palanganatham hamlet in Madakulam village in Madurai South Taluk in Madurai District and in 2nd street, NSK Nagar, Bharathi Road, Thirupparankundram, Madurai - 11 by putting up three storied building near the high tension electricity line without approval of plan by the 3rd respondent.



For Petitioner : Mr.A.Balasubramanian
(party-in-person)
For R 1, R4 and R-6 : Mr.M.Govindan
Special Government Pleader
For R2 and R3 : Mr.R.Murali
For R5 : Mr.R.Srinivasan

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner has filed this writ petition to direct the respondents 1 to 4 take action against the fifth respondent and remove the encroachment.

2.The learned Standing Counsel appearing for the Madurai City Municipal Corporation, on instructions, submitted that originally, the Corporation took a position that the Local Body is not the owner of the property in question. A similar view was taken by the Housing Board. The Tahsildar, therefore, proposed to conduct a survey and enquiry. The enquiry was originally fixed on 27.07.2017. In view of certain other engagements, enquiry could not be conducted on the stipulated date.

3.The Tahsildar, Tirupparankundram is suo-moto impleaded as 6th respondent.

4.We direct the Tahsildar, Thirupparankundram to take further proceedings pursuant to the proceedings in Na.Ka.C/600/2017, dated 04.07.2017, after issuing notice to the fifth respondent. In case, it is found out that the fifth respondent is in possession of the public property, necessarily action should be taken in accordance with law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector for Madurai,
Collection Office,
Madurai - 625 020.



2.The Commissioner,
Madurai City Municipal Corporation,
Anna Maligai,
Madurai - 625 002.

3.The Commissioner of Police,
Madurai City Police,
Madurai - 625 001.

4.The Inspector of Police (L&O),
Jaihindpuram Police Station,
Jaihindpuram, Madurai - 625 011.

5.The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram,
Madurai.

+1cc to M/S.S.Satheeshkumar, Advocate SR.No. 73098

+1cc to M/S.R.Srinivasan, Advocate SR.No. 73332

+1cc to M/S.R.Murali, Advocate SR.No. 72952

+1cc to Special Government Pleader, SR.No. 73246

W.P. (MD) No.17817 of 2013

vs/lis

JM/SV MMS/SAR 4/29.08.2017/3P/10C