



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2017

CORAM:

**THE HONOURABLE MR.JUSTICE A.SELVAM**

**and**

**THE HONOURABLE MR.JUSTICE P.KALAIYARASAN**

W.P (MD) No.9707 of 2011

T.S.Swamy & Co.  
rep. by its Partner Francis,  
20, Eda Street,  
Trichy - 620 008.

.. Petitioner

Vs.

The Commissioner of Corporation,  
Tiruchirapalli Municipality,  
Trichy - 620 001.

.. Respondent

**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 to remove the encroachment including the borewell layed in the Eda Street, Road, Tiruchirappalli - 620 008 within the time as stipulated by this Court.

For Petitioner : Mr.P.Natarajan

For Respondent : Mr.N.S.Karthikeyan

**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 respondent to remove encroachment alleged to have been made in Eda Street, Tiruchirappalli - 620 008, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Eda Street, Tiruchirappalli, wherein certain encroachments have been made. But the respondent has failed to remove the same and therefore 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.The learned counsel appearing for the respondent has contended that there is no encroachment in Eda Street, Tiruchirappalli but encroachments are available in a school road and further the petitioner has also made certain encroachments.



5. Considering the divergent submissions made on either side, the respondent can be directed as indicated below.

6. In fine, this writ petition is allowed without costs and the respondent is strictly directed to remove all encroachments if any in Eda Street, Tiruchirappalli or in any school road including the encroachment alleged to have been made by the petitioner under due process of law within a period of two months.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Commissioner of Corporation,  
Tiruchirappalli Municipality,  
Trichy - 620 001.

+1cc to Mr. N. Tamil Mani, Advocate SR No 1656

+1cc to Mr. N.S.Karthikeyan, Advocate SR No 1430

smn/ms/rr/me/23.01.2017/2p.4c

ORDER MADE IN  
W.P (MD) No. 9707 of 2011  
09.01.2017