

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.7874 of 2013
and MP.No.1 of 2013

M/s.Sri Meenakshi Textiles (Firm)
Rep.by its Managing Partner
Mr.N.Kulandaivel

..Petitioner

Vs

1. The Commissioner,
Tiruvannamalai Municipality,
Sannadhi Street,
Tiruvannamalai.
2. The District Collector,
Vengikal,
Tiruvannamalai.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to remove the structure already erected thereon by excavating the soil and erection of concrete pillars.

For Petitioner : Mr.A.K.Mylsamy
for A.K.Mylsamy and Associates

For Respondents : Mr.P.Chinnadurai for R1
: Mr.N.Inbanathan
Additional Government Pleader for R2

ORDER

Heard the learned Counsel for the petitioner, the learned Standing Counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent and perused materials available on record.

2. The case of the petitioner is that the petitioner-Firm has been carrying on business for the past 50 years at No.129, Car Street, Tiruvannamalai. It is further stated that there was

an encroachment on the road portion and hence one Mr.Chandrasekaran filed a suit before the District Munsif Court, Tiruvannamalai, to evict the encroachers / street vendors. The District Munsif has passed an order in February 2012. However, due to non compliance of the Order, the said Chandrasekaran filed Contempt Petition and thereafter encroachers have been removed. The petitioner would state that after evicting the encroaches on 07.02.2013, the respondents in order to avoid further encroachment, has decided to fence the entire area in front of the petitioner-Firm.

3. The grievance of the petitioner is that once the fence is put up, the petitioner-Firm would not have any access, hence the present writ petition.

4. The learned Standing Counsel for the first respondent on the basis of written instruction from the first respondent submitted that the land in dispute belongs to Highways and the first respondent-Municipality has no plan to construct any park in front of the shop of the petitioner and he has produced a letter of the Commissioner, Tiruvannamalai Municipality, dated 06.06.2018 to that effect.

5. In the light of the above facts, this Court is of the opinion that no further adjudication is required in this writ petition. Recording the submission of the learned Standing Counsel for the first respondent, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

msrm

To

1. The Commissioner,
Tiruvannamalai Municipality,
Sannadhi Street,
Tiruvannamalai.

2. The District Collector,
Vengikal,
Tiruvannamalai.

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+1cc to Mr.P.Chinna Durai, Advocate, S.R.No.37741

+1cc to Mr.A.K.Mylsamy and Associates, Advocate, S.R.No.38030

+1cc to the Government Pleader, S.R.No.38715

W.P.No.7874 of 2013

GSP (03/07/2018)



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