



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**  
**DATED 01.03.2018**  
**CORAM**  
**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE MRS.JUSTICE R.THARANI**  
**W.P. (MD) .No.4355 of 2018**

G.Lakshmi

... Petitioner

Vs.

1. The District Collector,  
Theni District.
2. The Commissioner,  
Theni Allinagaram Municipality,  
Theni.

3.S.Jeyamani

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the illegal encroachments made by the 3<sup>rd</sup> respondent more fully the illegal construction of steps constructed over the drainage situated at Vengala Middle Street, Allinagaram, Theni, on the basis of the representation given by the petitioner dated 17.11.2017 within the time stipulated by this Court.

For Petitioner  
For R1& R2

:Mr.C.Jeganathan  
:Mr.S.Dhayalan  
Government Advocate

**O R D E R**

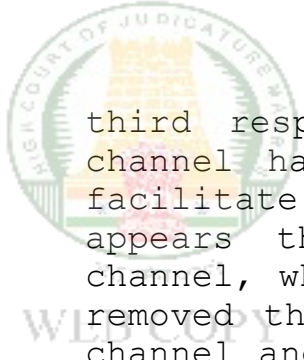
[Order of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner, Mr.S.Dhayalan, learned Government Advocate appearing for the first and the second respondents.

2.In the light of the direction, the issuance of notice to the third respondent is dispensed with.

3.The petitioner seeks for a direction to the respondents 1 and 2 to consider his representation and to remove the encroachment made by the third respondent in the drainage channel.

4.From the photographs produced before this Court, it is seen that there is a step leading to a house stated to be owned by the



third respondent and prima facie, it shows that the drainage channel has been blocked. There is also a ramp constructed to facilitate the two wheeler to be taken inside the house. It appears that there was other encroachment into the drainage channel, which have been removed, but the third respondent has not removed the step leading to his house and blocking the drainage channel and as a result of the same, the drainage water over flow into the street and it is causing health hazard. Pointing out these issues, a representation has been given to the second respondent on 17.11.2017, which has been received by the office of the second respondent on 20.11.2017 and the copy of the representation has also been sent to the first respondent, which has been received in the Collectorate, on 20.11.2017.

5.Considering these facts, we direct the second respondent to depute an Officer to inspect the site and on inspection, if it is found that the drainage channel is blocked, issue notice to the third respondent to remove the same, within two days from the date of receipt of the said notice, failing which, the second respondent shall remove the step, which is blocking the drainage channel and the second respondent shall be entitled to recover the cost from the third respondent, within a period of two weeks thereafter.

6.This writ petition is disposed of, with the above direction. No costs.

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Theni District.
2. The Commissioner,  
Theni Allinagaram Municipality,  
Theni.

+1cc to Spl.Government Pleader Sr.No.52934  
+1cc to M/s.Veera Associates, Sr.No.52358

NS

VB/KK/SAR2/08/03/2018/2P/5C

**W.P. (MD) .No.4355 of 2018**  
**01.03.2018**