



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18403 of 2018

Aravind

... Petitioner

Vs.

- 1.The State Represented by
The Thasildhar,
Sivagangai Taluk,
Sivagangai.
- 2.The Commissioner,
Sivagangai Municipality,
Sivagangai.
- 3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
- 4.Saravanan
- 5.Manimegalai
- 6.Manikandan
- 7.Bhuvana

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first and second respondents to evict the encroachment made by the respondents No.4 to 7 in the Municipal Lane situated in Sivagangai District, Sivagangai Town, near V.O.C.Street in T.S.No.68 and consequently directing the third respondent to give police protection for such eviction of encroachment by considering the petitioner's representations dated 18.06.2018 and 26.07.2018.

For Petitioner : Mr.S.Karthick Subramanian

For R-1 and R-3 : Mr.K.Saravanan
Government Advocate

For R-2 : Mr.J.Parekh Kumar
for Mr.P.Srinivas

**ORDER****(Order of the Court was made by M.M.SUNDRESH,J.)**

This Writ Petition has been filed seeking a direction to remove the encroachment said to have been made by the respondents 4 to 7 in the municipal lane.

2.The learned counsel appearing for the petitioner would submit that notwithstanding the dismissal of the suit, which has become final in O.S.No.212 of 1995, on the file of the District Munsif Court, Sivagangai, dated 11.08.2000, the private respondents are in continuous occupation of the land, belonging to the respondent No.2. As the representations made on 18.06.2018 and 26.07.2018 are still pending, the second respondent may be directed to consider and pass appropriate orders by removing the encroachment.

3. Considering the said submission, we direct the second respondent to consider the petitioner's representation dated 26.07.2018 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar(cs-I)

To

1.The Thasildhar,
Sivagangai Taluk,
Sivagangai.

2.The Commissioner,
Sivagangai Municipality,
Sivagangai.

3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

+1cc to MR.S.KARTHICK SUBRAMANIAN, ADVOCATE IN SR.No.79865.

+1CC TO MR.P.SRINIVAS ADVOCATE IN SR.No.80203.

+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.No.79682.

LS/NB

DS RSK SAR-1;07.09.2018; 2P/7C