



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.02.2018

CORAM

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) .No.24118 of 2017

Nainar

... Petitioner

Vs.

1. The Commissioner,
Tirunelveli City Corporation,
Tirunelveli.
2. The District Collector,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.
4. A.Shanmugam

... Respondents

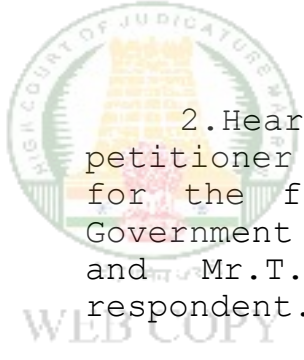
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to remove the encroachment made by the fourth respondent in public pathway in Town Survey No.54, Block No.9, Gandhimathi Nagar, Tirunelveli Corporation Ward No.48, IC Pettai, Tirunelveli Taluk, Tirunelveli District.

For Petitioner	: Mr.V.Angusamy
For R1	: Mr.Aaiyaram K Selvakumar
For R2 & R3	: Mr.V.R.Shanmuganathan Spl. Govt. Pleader
For R4	: Mr.T.Selvam

O R D E R

[Order of the Court was delivered by N.KIRUBAKARAN , J.]

By consent, the writ petition itself is taken up for final disposal, at the stage of admission.



2. Heard, Mr.V.Angusamy, learned counsel appearing for the petitioner and Mr.Aaiyaram K Selvakumar, learned counsel appearing for the first respondent, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the second and third respondents and Mr.T.Selvam, learned counsel appearing for the fourth respondent.

3. According to the petitioner, the fourth respondent has encroached upon the road by constructing a compound wall exactly on a public pathway and thereby narrowing the width of the road by 4 feet. In this regard, the petitioner gave various representations to the respondents. Since no action has been taken, the petitioner has come before this Court in this writ petition for the aforesaid relief.

4. In the previous hearing, this Court directed the first respondent to survey the road and find out who are all the encroachers and the details of the encroachers and the extent of the encroachment by filing a comprehensive sketch and photos.

5. Today when the matter came up for hearing, Mr.Aaiyaram K Selvakumar learned counsel appearing for the first respondent would submit that in the survey conducted it is found that not only the fourth respondent but also the petitioner and others have encroached upon the pathway.

6. In view of the aforesaid submissions, this Court directs the first respondent to give notice to all the encroachers including the petitioner as well as the fourth respondent giving the details of the encroachments and on receipt of the said notice, all the encroachers including the petitioner as well as the fourth respondent shall give their replies within a period of four weeks from the date of receipt of a copy of this order. On receipt of such replies, the first respondent shall give an opportunity of hearing to all the encroachers including the petitioner as well as the fourth respondent and pass appropriate orders on merits and as per law, within a period of 8 weeks thereafter.

7. Accordingly, the writ petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Commissioner,
Tirunelveli City Corporation,
Tirunelveli.
2. The District Collector,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

+ 1 CC TO Mr.V.ANGUSAMY, ADVOCATE IN SR No. 45585
+ 1 CC TO Mr.T.SELVAN, ADVOCATE IN SR No. 45626
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45973

NS

TE/SV-MMS/SAR-3 : 19/02/2018 : 3P/7C

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