



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.09.2018

CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA
AND**

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.3555 of 2017

Balamurugan

... Petitioner

vs.

1. The District Collector,
Madurai.
2. The Commissioner
Madurai Corporation
Madurai City.
3. The Commissioner of Police,
Alagarkovil Road,
Madurai City.
4. The Assistant Commissioner
Zonal No.1 T.B.Road,
Madurai.
5. The Revenue Divisional Officer,
Madurai, Madurai District.
6. The Tahsildar,
Madurai West,
Ellis Nagar, Madurai
7. The Inspector of Police,
S.S.Colony Police Station,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the respondents to remove the encroachment made in Survey No.148 to an extent 385 sq.m. Situated at Madurai West Village, Melmadurai Village, Ward No.5, Block No.91 as well as Survey No.135 to an extent of 96 sq.m. Block No.83 and to restore the earlier shape on the basis of the petitioner's representation dated 26.11.2016 as expeditiously as possible particularly within a time stipulated by this Court.

For Petitioner

: No appearance

For Respondents

: Mr.C.Ramar for R1, R3, RR5 to 7

Additional Government Pleader

Mr.J.Gunaseelan Muthiah for RR2&4

**ORDER****(Order of the Court was made by T.RAJA, J.)**

This Writ Petition has been filed for a direction to the respondents to remove the encroachment made in Survey No.148 to an extent 385 sq.m. situated at Madurai West Village, Melmadurai Village, Ward No.5, Block No.91 as well as Survey No.135 to an extent of 96 sq.m. Block No.83 and to restore the earlier shape on the basis of the petitioner's representation dated 26.11.2016.

2. When the matter is taken up for hearing, there is no representation on behalf of the petitioner.

3. Learned counsel for the respondents 2 and 4 submitted that after filing of the writ petition, removal of encroachment has been done by the Revenue Divisional Officer, 5th respondent herein. He has also produced a proceeding in Na.Ka.No.2891/2017/M dated 06.02.2018 of the Revenue Divisional Officer, Madurai.

4. A reading of Paragraph No.10 thereof clearly shows that by holding a peace committee meeting, after inviting both parties, namely, A and B parties, it was decided that T.S.No.148 (0.0385.0 sq. m) as well as Survey No.135 to an extent of 96 sq.m. has been agreed by all the parties that it is a common pathway and accordingly, removal of encroachment has been carried out.

5. In view thereof, nothing survives for adjudication in this writ petition. Accordingly, this writ petition is closed. The proceeding of the Revenue Divisional Officer shall form part of the record.

Sd/-

Assistant Registrar(Cs-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Collector,
Madurai.
2. The Commissioner of Police,
Alagarkovil Road,
Madurai City.
3. The Revenue Divisional Officer,
Madurai, Madurai District.
4. The Tahsildar,
Madurai West,
Ellis Nagar, Madurai



5. The Inspector of Police,
S.S.Colony Police Station,
Madurai.

+1cc to Mr.J.Gunaseelan Muthiah, Advocate Sr.No.84685
+1cc to Spl.Government Pleader Sr.No.84732

RR

VB/RSK/SAR4/08.10.2018/3P/8C

W.P(MD) No.3555 of 2017
17.09.2018