

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.28470 of 2018

S.Gunasekaran

.. Petitioner

v.

1 The Commissioner
Udhagamandalam Municipality
Municipal Office
Ootacamund, The Nilgiris District

2 The Divisional Engineer
The State Highways Department
Udhagamandalam
The Nilgiris

3 The Assistant Engineer
TNEB, Ootacamund, The Nilgiris

4 Anwardeen

5 Mohamed Farook

6 B.Babu

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st and 2nd respondents to remove the encroachment made by 4th to 6th respondents in the common pathway situated towards Door Nos. 66 to 70, Sultan Pet, Finger Post Area, Udhagamandalam Town.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.P.Srinivas - for R1
Mr.V.Jayaprakash Narayanan
Govt.Pleader (i/c) - for R2

Mr.L.Mouli - for R4
No appearance - for R3, R5 & R6

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr..S.Natarajan, learned counsel for the petitioner, Mr.P.Srinivas, learned counsel for the respondent No.1 Mr.V.Jayaprakash Narayanan, learned Government Pleader(i/c), for the respondent No.2 and Mr.L.Mouli, learned counsel for the respondent No.4.

2. The petitioner is seeking direction to the respondent Nos. 1 and 2 to remove the encroachment made by respondent Nos. 4 to 6 in the common pathway situated towards Door Nos. 66 to 70, Sultan Pet, Finger Post Area, Udhagamandalam Town.

3. The learned counsel for the respondent No. 2 has tendered the counter-affidavit of respondent No.2, wherein it is stated that common pathway as claimed by the petitioner does not fall under the area/road belonging to the Highways Department. In the affidavit, it is further stated that there is no encroachment in the said pathway as of now.

4. In view of the categorical statement made by the respondent No.2 in his counter affidavit, no further orders are necessary in this Writ Petition and the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Rj

To

1 The Commissioner
Udhagamandalam Municipality
Municipal Office
Ootacamund, The Nilgiris District

2 The Divisional Engineer
The State Highways Department
Uthagamandalam
The Nilgiris

3 The Assistant Engineer
TNEB, Ootacamund, The Nilgiris

+lcc to Mr.S.Natarajan, Advocate SR 31257
+lcc to Mr.P.Srinivas, Advocate SR 31118
+lcc to Government Pleader, SR 30989
+lcc to Mr.L.Mouli, Advocate SR 30550

W.P. No.28470 of 2018

gsk 20.05.2019



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