



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P(MD)NO.3247 OF 2019
and
W.M.P(MD)No.2530 of 2019**

Vincent Mary :Petitioner

.vs.

1.The Commissioner,
Manapparai Municipality,
Trichy District.

2.Chinnappan : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to remove the encroachment made by the second respondent comprised in S.No.147, Pothamettupatti, Manapparai Taluk, Trichy District by considering the Petitioner's representation dated 28.8.2018.

For Petitioner :Mr.T.Lenin Kumar
For Respondent-1 :Mr.J.Lawrence
Standing Counsel

For Respondent-3 :Mrs.G.Dhanalakshmi

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

Heard Mr.T.Lenin Kumar, learned counsel appearing for the Petitioner, Mr.J.Lawrance, learned Standing Counsel appearing for the first respondent and Mrs.G.Dhanalakshmi, learned counsel appearing for the second respondent and perused the materials available on record.

2.The prayer in the Writ Petition is to issue a Writ of Mandamus directing the first respondent to remove the encroachment made by the second respondent comprised in S.No.147,



Pothamettupatti, Manapparai Taluk, Trichy District by considering the Petitioner's representation dated 28.8.2018.

3.The learned counsel for the Petitioner would state that it would suffice it a direction is issued to the first respondent to consider the representation of the Petitioner within the time frame fixed by this Court.

4.The learned counsel for the second respondent would state that in respect of the same issue, a civil suit in O.S.No.438 of 2011 was filed and the second respondent is taking steps to prefer an appeal and in the meanwhile, to execute the decree passed in the civil suit, this Writ Petition has been filed.

5.The learned Standing Counsel appearing for the first respondent would state that they are ready to consider the representation of the Petitioner dated 28.8.2018.

6.In view of the limited scope of the prayer sought for in the Writ Petition and also considering the submissions of the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the representation of the Petitioner dated 28.8.2018 and pass appropriate orders strictly in accordance with law, after providing ample opportunity to the Petitioner and all necessary parties concerned. Such an exercise shall be carried out within a period of six months from the date of receipt of a copy of this order.

7.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

The Commissioner,
Manapparai Municipality,
Trichy District.



+1 CC to M/s.J.LAWRANCE, Advocate (SR-54409[F] dated 15/03/2019)

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ORDER MADE IN
W.P (MD) NO.3247 OF 2019
and
W.M.P (MD) No.2530 of 2019
14.03.2019

KM/ (27.03.2019) 3P 4C