



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.3898 of 2019

S.Essakkimuthu

...Petitioner

/Vs./

1.The District Collector,
Tirunelveli District.

2.The Commissioner,
Tirunelveli Corporation, Tirunelveli.

3.Pararsuraman

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first and second respondents to remove the encroachment made by the third respondent at Udayarpatti junction road, Thatchannallur zone, Tirunelveli within a stipulated time.

For Petitioner

: Mr.S.Kumar

For R1

: Mr.V.R.Shanmuganathan

Special Government Pleader

For R2

: Aayiram K.Selvakumar

Additional Government Pleader

For R3

: Mr.R.J.Karthick

ORDER

Heard Mr.S.Kumar, learned counsel appearing for the petitioner; Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the first respondent; Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the second respondent and Mr.R.J.Karthick, learned counsel appearing for the third respondent.

2.The prayer in the writ petition is to issue a direction to the respondents 1 and 2 to remove the encroachment made by the third respondent.

3.It is submitted by the learned counsel appearing for the petitioner that it would suffice if a direction is issued to the second respondent to consider the representation of the petitioner, dated 02.01.2019.

4.The learned counsel appearing for the second respondent would state that there is no representation is pending before the second respondent and if a fresh representation is given, it would be



considered in accordance with law.

5. In the light of the above submissions and also considering the limited scope of the prayer sought for in this writ petition, this Court, without going into the merits of the claim made by the petitioner, directs the petitioner to give a fresh representation to the second respondent by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the second respondent shall pass appropriate orders, after affording an opportunity of hearing to the petitioner and to other necessary parties, within a period two months there from.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar (CS)

rj2

To

1. The District Collector,
Tirunelveli District.

2. The Commissioner,
Tirunelveli Corporation, Tirunelveli.

1 CC to M/s. AAYIRAM K. SELVAKUMAR, Advocate (SR-52699[F] dated 08/03/2019)

+1 CC to M/s. SPL GP (SR-52993[F] dated 11/03/2019)

+1 CC to M/s. R. J. KARTHICK, Advocate (SR-52851[F] dated 11/03/2019)

W.P. (MD) No. 3898 of 2019

08.03.2019

DS/ /SAR- (12.04.2019) 2P 6C