



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2019

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.5154 of 2019
and
W.M.P. (MD) .No.4140 of 2019

Siraj Nisha

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate Building,
Madurai District.
- 2.The Corporation Commissioner,
Madurai Corporation Office,
Madurai.
- 3.The Revenue Divisional Officer,
Office of the Collectorate Building,
Madurai.
- 4.The Tahsildar,
Madurai North,
Office of the Collectorate Building,
Madurai.
- 5.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Madurai Division,
Madurai.
6. Subramani

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the illegal encroachment in the public pathway made by the respondent No.6 by making construction in Survey No.497/6 on the East side of the petitioner's property located at Karumbalai, Madurai.

<https://hcservices.ecourts.gov.in/hcservices>
For Petitioner : Mr.D.S.Haroon Rasheed
For R1, R3 & R4 : Mr.Aayiram K.Selvakumar
Additional Government Pleader



For R2 : Mr.T.S.Mohamed Mohideen
For R5 : Mr.P.Mahendran
Standing counsel
For R6 : Mr.S.Muthu Kannan

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ORDER

(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

The prayer in the writ petition is to issue writ of Mandamus directing the respondents 1 to 5 to remove the illegal encroachment in the public pathway made by the sixth respondent in Survey No.497/6 situated at Karumbalai, Madurai.

2. The grievance of the petitioner is that the sixth respondent, who is the neighbour of the petitioner had encroached on the public pathway and an attempt has been made to construct a building, since the official respondents have not taken appropriate action on the representation of the petitioner, dated 02.02.2019, this writ petition.

3. Mr.D.S.Haroon Rasheed, learned counsel for the petitioner would state that the petitioner would be satisfied, if a direction is issued to the fifth respondent to take appropriate action on the representation of the petitioner, dated 02.02.2019.

4. Mr.P.Mahendran, learned Standing counsel for the fifth respondent would state that the representation of the petitioner would be considered in accordance with law.

5. In the light of the prayer sought for in the writ petition and the submissions of the counsel on either side, this Court, without expressing any opinion on the merits of the matter, directs the fifth respondent to consider the representation of the petitioner, dated 02.02.2019 and pass appropriate orders on merits and in accordance with law, after providing opportunity to the petitioner and the sixth respondent. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

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To

1.The District Collector,
Office of the Collectorate Building,
Madurai District.

2.The Corporation Commissioner,
Madurai Corporation Office,
Madurai.

3.The Revenue Divisional Officer,
Office of the Collectorate Building,
Madurai.

4.The Tahsildar,
Madurai North,
Office of the Collectorate Building,
Madurai.

5.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Madurai Division,
Madurai.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate in SR-57307
+1 CC to M/s.D.S.HAROON RASHEED, Advocate in SR-57326
+1 CC to M/s.P.MAHENDRAN, Advocate in SR-57587
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.58096
+1 CC to M/s.S.MUTHUKANNAN, Advocate in SR-58238

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PK/27.04.2019 : 3P/11C