



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2019

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

W.P. (MD) .No.5166 of 2019

P.Murugan

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai 625 002.

2. Rajkumar

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to evict the second respondent from the unlawful encroachment in T.S.No.282 of Madurai Corporation Pathway, based on the complaints dated 15.10.2018, 27.12.2018, Town Survey Register and Sketch details, dated 24.01.2019.

For Petitioner	: Mr.P.Murughadasan
For R1	: Mr.R.Murali
For R2	: No appearance

O R D E R

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

The petitioner has come forward with this writ petition for issuance of writ of Mandamus directing the first respondent to evict the second respondent from the unlawful encroachment in T.S.No.282 of Madurai Corporation Pathway, based on his representations dated 15.10.2018 and 27.12.2018.

2. Heard Mr.P.Murughadasan, learned counsel for the petitioner and Mr.R.Murali, learned Standing counsel for the first respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



3. Despite notice served on the second respondent, none appears for him.

4. The learned Standing counsel for the first respondent would state that as per the revenue records, the second respondent has encroached on a public pathway, for which the Corporation has already issued eviction notice. It is further stated that the second respondent challenging the eviction notice filed a suit in O.S.No.631 of 2018 for declaration and for injunction. According to the encroachers, it is not a public pathway. The learned Standing counsel has fairly submitted that there is no interim order in the suit filed by the second respondent.

5. In the light of the above fact, the first respondent is directed to take appropriate action, based on the representation of the petitioner, in accordance with law within a period of three months from the date of receipt of a copy of this order. It is made clear that if there is no interim order in the suit filed by the second respondent, the first respondent shall take further action, based on the representations of the petitioner, dated 15.10.2018 and 27.12.2018.

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

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To
The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai 625 002.

+1 CC to M/s.R.MURALI, Advocate (SR-58526[F] dated 03/04/2019)

+2 CC to M/s.P.MURUGHADASAN, Advocate (SR-59105,58441[F] dated 04/04/2019)

AKV

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