



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.P. (MD) No.14414 of 2018

V.Rajaram

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Collectorate,
Korampallam,
Tuticorin 628 101.

2.The Commissioner,
Tuticorin Municipal Corporation,
Palayamkottai Road,
Tuticorin 628 002.

3.The Tahsildar,
Tuticorin Taluk,
Great Cotton Road,
Tuticorin 628 001.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove all the encroachments made in Lions Town Road, South Cotton Road - Fishermen Colony Road, South Cotton Road and the three scheme roads in the lay out plan No.96/87 in T.S.Nos.1139/1A1A2B, 1139/1A1A2C, 1140/1B2B and 1140/1B2C in Tuticorin, being the lands covered under the gift deed dated 27.09.1990 and registered as document No.1608 of 1990 on the file of the Sub Registrar of Tuticorin - Keelur, by considering the representation dated 21.04.2018 and further representation dated 18.05.2018 made by the petitioner to the respondents within a time frame as may be fixed by this Court.

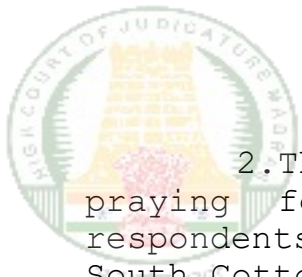
For Petitioner : Mr.S.Subbiah, S.C. for
Ms.Jessi Jeeva Priya

For Respondents : Mr.V.R.Shanmuganathan,
Spl.G.P.for R1 and R3
Mr.S.Saji Bino for R2

ORDER

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

Heard Mr.S.Subbiah, learned Senior Counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 & 3 and Mr.S.Saji Bino, learned counsel for the 2nd respondent.



2.The petitioner has come forward with this Writ petition praying for issuance of a Writ of Mandamus, directing the respondents to remove all the encroachments made in Lions Town Road, South Cotton Road - Fishermen Colony Road, South Cotton Road and the three scheme roads in the lay out plan No.96/87 in T.S.Nos.1139/1A1A2B, 1139/1A1A2C, 1140/1B2B and 1140/1B2C in Tuticorin District by considering the representations dated 21.04.2018 and 18.05.2018.

3.It is the submission of the learned Senior Counsel appearing for the petitioner that the owners of the plot Nos.1, 2 and 10 have encroached upon the road area and despite repeated representations to the respondents, no action has been taken. It is further submitted that the petitioner would be satisfied, if a suitable direction is issued to the 2nd respondent to take appropriate action on the basis of the representations of the petitioner.

4.The learned learned counsel appearing for the 2nd respondent would state that the representations would be considered in accordance with law.

5.In the light of the submissions of the learned counsels and also taking note of the prayer sought for in the Writ petition, this Court, without going into the merits of the matter, directs the second respondent to take appropriate action based on the representations of the petitioner dated 21.04.2018 and 18.05.2018 purely on merits and in accordance with law, after providing an opportunity of hearing to all necessary parties, within a period of three months from the date of receipt of the copy of this order.

6.The Writ petition is disposed of accordingly. No costs.

sd/
Assistant Registrar(crl. side)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tuticorin District,
Collectorate,
Korampallam,
Tuticorin 628 101.

2.The Commissioner,
Tuticorin Municipal Corporation,
Palayankottai Road,
Tuticorin 628 002.



3.The Tahsildar,
Tuticorin Taluk,
Great Cotton Road,
Tuticorin 628 001.

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+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-59070[F] dated
04/04/2019)
+1 CC to Mr.S.SAJI BINO, Advocate (SR-59175[F] dated 05/04/2019)
+1 CC to SPL GP (SR-59240[F] dated 05/04/2019)

W.P. (MD) No.14414 of 2018
04.04.2019

nbg

MK (14.05.2019) 3P 7C