



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16639 of 2019

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S.V.Kalidoss

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Tirumangalam Taluk,
Tirumangalam,
Madurai District.

3.The Inspector of Police,
National Highways Traffic Police Station,
Tirumangalam Circle,
Madurai District.

4.The Project Director,
National Highways Authority of India,
Ministry of Road Transport,
Highways PIU,
K.K.Nagar,
Madurai.

5.The Manager,
Eagle Infra India Limited,
Kappalur Toll Plaza,
Madurai District.

6.Sevuga Bakery,
Near Kappalur Toll Plaza,
Kappalur,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents Nos.1 to 4 to remove the encroachments made by the 6th respondent in front of the Entrance of Salaiamman Nagar and in the Service road near to the Kappalur Toll Plaza situated at S.No.118/4, Kappalur Village, Tirumangalam Taluk, Madurai District on the basis of the representation dated 12.06.2019.



For Petitioner : Mr.A.Anandaraj
For Respondents 1 to 3 : Mr.A.K.Baskarapandian
Special Government Pleader
For 4th Respondent : Mr.Arulvadivel @ Sekar

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O R D E R

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

By consent, this Writ Petition is taken and disposed of by this order.

2.The petitioner is a resident of Malligai Street, Salaiamman Nagar, near Kappalur Tollgate. According to him, there are 150 families living in Salaiamman Nagar for the past 10 years and the said area lies very close to the Kappalur Toll Plaza and the entrance to the Salaiamman Nagar is located in the main road of National Highways. The width of the entrance of the Salaiamman Nagar is 20 feet and the length of the same is 93 feet. The grievance expressed by the petitioner is that near the entrance of Salaiamman Nagar the vehicles passing from the Tollgate are parked and thereby blocking the entry to the Salaiamman Nagar and despite very many representations made to the concerned respondents, nothing moves forward. Therefore, the petitioner came forward to file this Writ Petition.

3.Heard Mr.A.Anandaraj, learned counsel appearing for the petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.C.Arulvadivel @ Sekar, learned Standing Counsel for the fourth respondent.

4.A perusal of the typed set of documents would disclose that the District Collector (Full Additional Charge), Madurai had sent a communication in Na.Ka.No.E2/878/2019 dated 27.06.2019, to the second respondent to look into the complaint of the residents of Salaiamman Nagar and take appropriate action and to inform them and their office.

5.This Court taking into consideration the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner either in the writ petition or in the representation, directs the second and third respondents to put on notice to the petitioner and respondents 5 and 6 and conduct a joint inspection of the area within a period six weeks from the date of receipt of a copy of this order and depending upon the joint inspection shall take appropriate action in accordance with law as to the alleged nuisance pleaded by the petitioner. The second respondent shall also cause verification as to whether the Salaiamman Nagar located in the approved layout or not.

6.The Writ Petition is disposed of with the above directions.
No costs.



Call on 20.08.2019 for filing status report by respondents 2 and 4.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Tirumangalam Taluk,
Tirumangalam,
Madurai District.
- 3.The Inspector of Police,
National Highways Traffic Police Station,
Tirumangalam Circle,
Madurai District.

+1 CC to Mr.C.ARUL VADIVEL @ SEKAR, Advocate (SR-77866[F] dated 26/07/2019)

+1 CC to Mr.A.ANANDARAJ, Advocate (SR-78005[F] dated 26/07/2019)

W.P (MD) No.16639 of 2019
26.07.2019

SJ

MK (05.08.2019) 3P 6C