



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2019

CORAM

WEB COPY

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

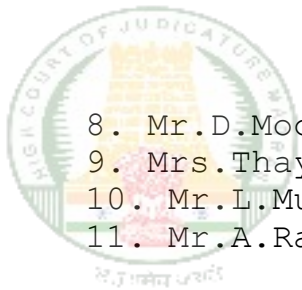
W.P.(MD).No.22206 of 2018

A2484 Alanganallur Primary Co-operative  
Agriculture Credit Society,  
represented by its President,  
V.Balaji.

... Petitioner

Vs.

1. The District Collector,  
Madurai District,  
Madurai.
2. The Divisional Engineer,  
Highways,  
O/o. The Divisional Engineer,  
Alagarkovil Road,  
Madurai 625 002.
3. The Assistant Divisional Engineer,  
Highways,  
O/o. The Assistant Divisional Engineer,  
Dindigul Road,  
Vadipatti,  
Madurai 625 002.
4. The Tahsildar,  
Vadipatti Taluk,  
Vadipatti,  
Madurai District.
5. The Executive Officer,  
Alanganallur Town Panchayat,  
Alanganallur,  
Madurai.
6. The Superintendent of Police,  
O/o. The Superintendent of Police,  
Madurai District,  
Madurai.
7. The Inspector of Police,  
Alanganallur Police Station,  
Alanganallur, Madurai District.



8. Mr.D.Mookaiah  
9. Mrs.Thayammal  
10. Mr.L.Murugan  
11. Mr.A.Rajangam

... Respondents

**Prayer:-** The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents 1 to 7 to remove all the unauthorised encroachment made on the platforms and on the road margins in front of the petitioner's building premises situated at Ward No.5, Resurvey No.294/3, Subdivision R.S.No.294/3C, to an extent of 41 cents, Opposite to Alanganallur Bus Stand, Alanganallur - Thanichiyam Main Road, Alanganallur, Madurai District within the time frame stipulated by this Court.

|                       |                                                       |
|-----------------------|-------------------------------------------------------|
| For Petitioner        | : Mr.T.Lajapathi Roy                                  |
| For R1 to R4, R6 & R7 | : Mr.V.R.Shanmuganathan<br>Special Government Pleader |
| For R5                | : Mr.V.Anand                                          |
| For R8 to R11         | : Mrs.D.Ramya                                         |

### **O R D E R**

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

The petitioner has come forward with the writ petition seeking issuance of writ of Mandamus directing the respondents 1 to 7 to remove all the unauthorised encroachment made on the platforms and on the road margins in front of the petitioner's building premises situated at Ward No.5, Resurvey No.294/3, Subdivision R.S.No.294/3C, to an extent of 41 cents, Opposite to Alanganallur Bus Stand, Alanganallur - Thanichiyam Main Road, Alanganallur, Madurai District.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader for the respondents 1 to 4, 6 and 7, Mr.V.Anand, learned counsel for the 5<sup>th</sup> respondent and Mrs.D.Ramya, learned counsel for the respondents 8 to 11.

3. The learned counsel appearing for the private respondents by referring the counter would argue that there are other encroachers, but action is being taken only against the private respondents in a vindictive manner. It is also discriminative action of the official respondents.

4. Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 4, 6 and 7 would state that the fourth respondent is ready to conduct a survey in the disputed area and thereafter proceedings would be initiated to remove all the encroachments.



5. In the light of the above facts and the submissions of the learned counsel on either side, the fourth respondent is directed to conduct a survey, after issuing notice to all the private respondents and if any encroachment is found, the fourth respondent shall remove the same, by following the due process of law. The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

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

Sd/-  
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Madurai District,  
Madurai.
2. The Divisional Engineer,  
Highways,  
O/o. The Divisional Engineer,  
Alagarkovil Road,  
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3. The Assistant Divisional Engineer,  
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4. The Tahsildar,  
Vadipatti Taluk,  
Vadipatti,  
Madurai District.
5. The Executive Officer,  
Alanganallur Town Panchayat,  
Alanganallur,  
Madurai.
6. The Superintendent of Police,  
O/o. The Superintendent of Police,  
Madurai District,  
Madurai.



7. The Inspector of Police,  
Alanganallur Police Station,  
Alanganallur,  
Madurai District.

+1 CC to M/s.D.RAMYA, Advocate ( SR-53733[F] dated 13/03/2019 )

+1 CC to M/s.Special Government Pleader (SR-53966[F] dated 14/03/2019 )

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-53912[F] dated 14/03/2019

**W.P. (MD) .No.22206 of 2018**  
**13.03.2019**

MSI-10.04.2019/4P-11C