



WEB COPY

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BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) NO.18190 OF 2019

N.Senthilkumar

.. Petitioner

- Vs -

1. The Commissioner
Madurai Corporation
Aringar Anna Maligai
Tallakulam, Madurai - 2.

2. D.Uthayakumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to remove the encroachments made by the 2nd respondent in the vacant site situate in survey No.252/2 in Madakulam Village, Madurai - 3 and consequently direct the 1st respondent to lay 40 feet scheme connection road which connect the Duraisamy Nagar extension with Madakulam Main Road.

For Petitioner : Mr. S.Arivalagan

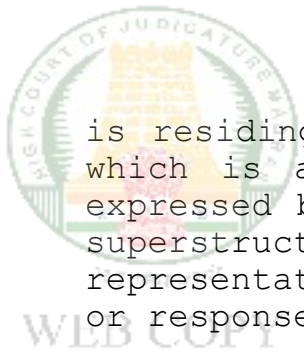
For Respondents : Mr. R.Murali for R-1

ORDER

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

The petitioner is a resident of Madakulam Village, Madurai South and according to the learned counsel for the petitioner, he

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is residing in Door No.81, A1 Main Road, Madakulam, Madurai South, which is a house belonging to his mother-in-law. The grievance expressed by the petitioner is that the 2nd respondent has put up a superstructure blocking the existing 40 feet scheme road and the representation submitted in this regard has failed to evoke any kind of response and, hence, came forward to file the present petition.

2. Learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and photographs and submits that blocking the 40 feet scheme road, the 2nd respondent has put up a barbed wire fence and preventing access to the public to use the public scheme road.

3. Mr.Balaji, learned standing counsel takes notice for the 1st respondent and submits that after putting the 2nd respondent on notice and with the aid of the records maintained by the 1st respondent, inspection will be caused and depending upon the result of the inspection, further action in accordance with law would be taken up at the earliest.

4. This Court has carefully considered the rival submissions and perused the materials available in the typed set of documents.

5. Though the petitioner prays for the larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in the representation dated 26.7.19 or in the writ petition, directs the jurisdictional zonal office of Madurai Corporation to put the 2nd respondent on notice and cause inspection within a period of four weeks from the date of receipt of a copy of the order with the aid of records maintained by them to find out whether the 2nd respondent has blocked the usage of the 40 feet scheme road and depending upon the result of the inspection, shall take appropriate action in accordance with law within a period of eight weeks thereafter. The concerned zonal office shall also cause inspection of the premises of the mother-in-law of the petitioner at No.81, A1 Main Road, Madakulam, to find out whether the superstructure put up by the mother-in-law of the petitioner is in accordance with the sanctioned plan or not and depending upon the result of the inspection, is also at liberty to take appropriate action in accordance with law.

6. This writ petition is disposed of accordingly.

Sd/-
Assistant Registrar (AD-I)

/TRUE COPY/

Sub Assistant Registrar



To

The Commissioner
Madurai Corporation
Aringar Anna Maligai
Tallakulam, Madurai - 2.

+1 CC to M/s.R.MURALI, Advocate (SR-83248[F] dated 26/08/2019)

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22.08.2019

gln
JM/06.09.2019/3P/3C