



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2019**

**CORAM:**

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE Mrs.JUSTICE R.THARANI**

W.P.(MD).No.20511 of 2019

P.Syed Ibrahim

... Petitioner

Vs.

1.The District Collector,  
Theni District.

2.The Tahsildar,  
Bodinayakkanur Taluk,  
Theni District.

3.The Commissioner,  
Bodinayakkanur Municipality,  
Bodinayakkanur.

4.K.S.Sait

5.Abitha

... Respondents

**PRAYER:** This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 3<sup>rd</sup> respondent to remove encroachment made by the 4<sup>th</sup> and 5<sup>th</sup> respondent in the pathway in T.S.No.4192/5A12D in Survey Ward-II, Block-45, Bodinayakkanur Town, Within a time fixed by this Court.

For Petitioner : Mr.R.Suriyanarayanan

For R1 and R2 : Mr.A.Muthukaruppan

Additional Government Pleader

For R3 : Mr.M.Karuppa Samy Pandian

Government Advocate

**ORDER**

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Suriyanarayanan, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the first and the second respondents and Mr.M.Karuppa Samy Pandian, learned Government Advocate appearing for the third respondent.



2.By consent on either side, this writ petition is taken up for disposal.

3.This writ petition has been filed to direct the third respondent to consider the petitioner's representation and to remove the encroachment caused by the respondents 4 and 5.

4.Since we are disposing of the writ petition without notice to the respondents 4 and 5, we do not propose to issue any positive direction in this writ petition.

5.The learned counsel appearing for the third respondent would submit that the third respondent will inspect the property in question and if necessary, survey will be conducted, after notice to the petitioner and the respondents 4 and 5 and take action in accordance with law. This submission is placed on record and the third respondent is directed to do so, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

Ns

To

- 1.The District Collector,  
Theni District.
- 2.The Tahsildar,  
Bodinayakkanur Taluk,  
Theni District.
- 3.The Commissioner,  
Bodinayakkanur Municipality,  
Bodinayakkanur.

+1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate ( SR-88899[F] dated 24/09/2019 )

+1 CC to M/s.R.SURIYANARAYANAN, Advocate ( SR-88817[F] dated 24/09/2019 )

+1 CC to M/s.GP ( SR-89384[F] dated 25/09/2019 )

W.P.(MD).No.20511 of 2019  
24.09.2019

JM/15.10.2019/2P/7C