



WEB COPY

W.P.(MD)No.21156/2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.21156 of 2019

C.Radhika

.. Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy-1, Trichy District.

2.The Commissioner,
Trichy City Corporation,
Promenade Road,
Cantonment, Trichy-1,
Trichy District.

3.The Assistant Commissioner,
Trichy City Corporation,
Ponmalai Zone,
Trichy, Trichy District.

4.M/s.JHN Shasanem Realtors Private Limited,
Represented by its Managing Director,
N.Nadheem Ahamed,
S/o.J.H.Nizamuddin,
Door No.5, Aanaikattimaidhanam,
Beema Nagar, Trichy-1,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second and third respondents to remove the illegal encroachment committed on the north south 15 feet road which is situated at Trichy District, Trichy Town, K.K.Nagar, Amalapuram Colony, in the light of the petitioner's representation dated 26.08.2019 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For R1 : Mr.A.Muthukaruppan
Additional Government Pleader,

For R2 and R3 : Mr.N.S.Karthikeyan
Standing Counsel



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Sundar, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader, appearing for the first respondent and Mr.N.S.Karthikeyan, learned Standing Counsel appearing for the second and third respondents. By consent on either side, this writ petition is taken up for final disposal.

2. This writ petition has been filed to direct the second and third respondents to remove the wall put up by the fourth respondent. According to the petitioner, the fourth respondent could not have constructed the wall as there is a public road leading to a private layout and to the main road. The petitioner is the resident of approved layout and residing in plot No.11. Adjacent to her plot, there is a road leading to the main road. Behind the petitioner's plot, the property is owned by the fourth respondent, who stated to have put up a compound wall.

3. The learned standing counsel, who accepts notice on behalf of the second and third respondents, submitted that there is no public road and it is a private patta land of the fourth respondent and to safeguard his property, he has put up a wall.

4. Considering the fact that there are serious disputes raised by the parties, as to whether there is a public road or not, we are not in a position to adjudicate the same in the present writ petition. However, the petitioner's grievance should be considered by the authorities by passing a speaking order. Therefore, we direct the third respondent to consider the petitioner's representation, conduct an inspection in the presence of the petitioner and other residents in that area after issuing notice to the fourth respondent and pass a speaking order on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
District Collector's Office,
Trichy-1, Trichy District.

2.The Commissioner,
Trichy City Corporation,
Promenade Road,
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Trichy District.

3.The Assistant Commissioner,
Trichy City Corporation,
Ponmalai Zone,
Trichy, Trichy District.

+1 CC to M/s.R. SUNDAR, Advocate (SR-91123[F] dated 03/10/2019)

+1 CC to M/s.N.S. KARTHIKEYAN, Advocate (SR-91469[F] dated
04/10/2019)

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03.10.2019

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