



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.09.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.20585 of 2019

WEB COPY

Thangasamy

... Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Tirunelveli District.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram
Tirunelveli District.

4.Kumaresan

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondent No.4 in the Public Street, comprised in Survey Nos.503/1C and 503/7A situated at Pazhavur Part - II Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.S.Vinayak

For Respondents : Mr.S.Angappan
(R1 to R3) Govt.Advocate

O R D E R

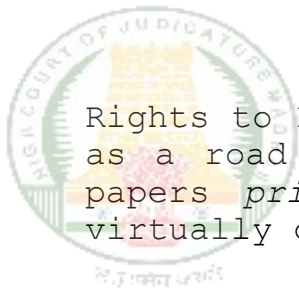
(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.S.Vinayak, learned Senior Counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate for respondents 1 to 3.

2. By consent of either side, this Writ Petition is taken up for final disposal.

3. The petitioner is before this Court praying for a direction upon the 3rd respondent to remove the encroachment made by the 4th respondent in a public street.

4. The learned counsel appearing for the petitioner has produced a copy of adangal extract, which they are secured under the



Rights to Information Act, which classifies the land in Sy.No.503/7A as a road (Theru). The photographs produced in the typed set of papers *prima facie* shows that a compound wall has been erected virtually on the street.

5. Since we are disposing of the Writ Petition without notice to the 4th respondent, we refrain from issuing any positive direction. Nevertheless, if there is any encroachment on a public street, it goes without saying that the authority should take action for removal of the encroachment and they should not wait for any direction from this Court.

6. In the light of the above, we dispose of this Writ Petition by directing the 3rd respondent, by considering the representation of the petitioner, dated 05.08.2019, direct an inspection to be caused on the area, issue notice to the 4th respondent and proceed in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate Building,
Tirunelveli District.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram
Tirunelveli District.

+1 CC to M/s.GP (SR-89830[F] dated 26/09/2019)

+1 CC to M/s.S.VINAYAK, Advocate (SR-90106[F] dated 27/09/2019)

W.P. (MD) .No.20585 of 2019

25.09.2019

MPK

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