



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.12515 of 2015

WEB COPY

M.Subramanian

... Petitioner

vs.

1.The Commissioner,
Madurai Corporation, Madurai.

2.M.Rajesh

3.M.Ramesh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 01.07.2015 and consequently to direct the first respondent to remove the encroachment made by the second and third respondents at public street in S.No.134/1 of Thallakulam, Madurai.

For Petitioner

:Mr.C.M.Arumugam

For R1

:Mr.R.Murali

For R2 and R3

:Mr.R.Suriyanarayanan

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 01.07.2015 and to direct the first respondent to remove the encroachments made by the second and third respondents in the public street in S.No.134/1 at Thallakulam, Madurai.

2.The learned Counsel for the first respondent, on instructions, submitted that the respondents 2 and 3 have encroached into the public street by putting up steps for their house. In such circumstances, the first respondent is competent authority to take action under the provisions of Madurai Corporation Act, which empowers them to deal with the encroachments in public street. The first respondent has also submitted that notice has been given to the second and third respondents for removing of encroachments.

3.That being so, the first respondent is directed to remove the encroachments in the public street, after following the



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procedure and give adequate opportunity to the respondents 2 and 3 in the manner known law. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

cmr

+1 CC to Mr.R.MURALI, Advocate (SR-103083[F] dated 03/12/2019)

+1 CC to Mr.R.SURIYANARAYANAN, Advocate (SR-102975[F] dated 02/12/2019)

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