



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **14.10.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.21403 of 2019

Mahalingam

... Petitioner

Vs.

1. The District Collector,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai District.

3. The Tahsildar,
Madurai South,
Madurai District.

... 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 in the road side margins of Kollambal road, comprised in Sy.No.18 of Iravathanallor Village within a specified period.

For Petitioner	: Mr.A.Balakrishnan
For Respondents	: Mr.A.Muthukaruppan
(For R1 & R3)	Addl.Govt.Pleader
For Respondent-2	: Mr.T.S.Mohamed Mohideen

O R D E R

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

We have heard Mr.A.Balakrishnan, learned Counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader for R1 and R3 and Mr. T.S.Mohamed Mohideen, learned standing counsel appearing for R2.

2. The petitioner seeks for a direction to the respondents to remove the encroachments, which have been made on the road side.

3. The petitioner would state that notice for removal of encroachments was issued as early as in the year 2017. However, no further action has been taken.



4. Since the encroachers have not been made as respondents in the writ petition, we cannot issue any positive direction, as sought for by the writ petitioner. Needless to state that if any encroachment is made in the road margin or in the Government property, the respondent Corporation has to take action and they cannot be a mute spectator. Equally, the revenue officials also cannot remain silent and watch the people, who encroached the Government property. If the officials turned a blind eye to such encroachment, it goes without saying that they are in collusion with the encroachers. This observation shall be noted by the respondents 2 and 3.

5. In the light of the above, we dispose of this writ petition by permitting the petitioner to pursue his representation before the respondents 2 and 3, who shall take action in accordance with law. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai District.

3.The Tahsildar,
Madurai South,
Madurai District.

+1 CC to Mr.T.S.MOHAMED MOHIDHEEN, Advocate (SR-91942[F] dated 15/10/2019)

+3 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-91986[F] dated 15/10/2019)

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MPK

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