



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.21973 of 2019

P.Mariganesh

: Petitioner

Vs.

1.The Commissioner,
Madurai City Corporation,
Madurai.

2.The Executive Engineer,
Department of Highways,
Alagarkoil Main Road,
Madurai - 625 007.

3.The Assistant Executive Engineer,
Department of Highways,
Alagarkoil Main Road,
Madurai - 625 007.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to direct their subordinate or agents from threatening to vacate the petitioner illegally from his shop in No.159B, Alagarkoil Main Road, Moondrumavadi, K.Pudur, Madurai by considering his representations dated 25.09.2019.

For Petitioner

: Mr.M.Solaisamy

For Respondent No.1

: Mr.R.Murali

Standing Counsel

For Respondents 2&3

: Mr.A.Muthukaruppan

Additional Government Pleader

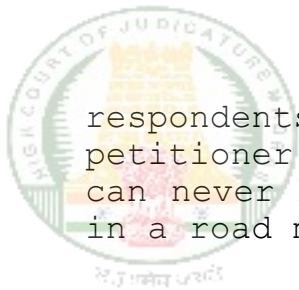
O R D E R

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

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.M.Solaisamy, learned Counsel appearing for the petitioner, Mr.R.Murali, learned Standing Counsel for the first respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the second and third respondents.

3.The petitioner has filed this writ petition to forbear the



respondents from threatening and vacating his shop. Admittedly, the petitioner is an encroacher and the contentions advanced before us can never be considered to justify the occupation of the petitioner in a road margin.

4.Learned Counsel for the petitioner submitted that trade license has been granted to the petitioner who is trading in the name and style 'Krishna Broilers'. Trade license issued by the authorities can in no manner regularise his encroachment. Therefore, we cannot consider the relief sought for in the present writ petition. The petitioner be granted two [2] weeks time to remove the encroachment by himself, failing which, the encroachment be removed by the Department.

5.The Writ Petition stands dismissed, accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The Commissioner,
Madurai City Corporation,
Madurai.

2.The Executive Engineer,
Department of Highways,
Alagarkoil Main Road,
Madurai - 625 007.

3.The Assistant Executive Engineer,
Department of Highways,
Alagarkoil Main Road,
Madurai - 625 007

+ 1CC TO MR.R.MURALI, ADVOCATE , SR NO.92922

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KK/SAR/07.11.2019/2P-5C/