



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.22807 of 2019

K.Muthaiah

: Petitioner

Vs.

1. The Commissioner,
Puliyangudi Municipality,
Puliyangudi,
Tirunelveli District.

2. The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi,
Tirunelveli District.

3. Karuthapandian

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the first respondent to remove the encroachments made by the third respondent in front of Arasaradi Vinayagar Temple to an extent of 3.7 meters and 4.35 meters at Arasaradi Vinayagar Kovil Street, (D Block, Town Survey No.110), T.N.Pudukudi, Puliyangudi, Tirunelveli District.

For Petitioner	: Mr.B.Tamilnithi
For R-1	: Mr.M.Rajarajan
For R-2	: Mr.N.Shanmugaselvam
	Additional Government Pleader
For R-3	: Mr.R.J.Karthick

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ petition is filed for Mandamus directing the second respondent to remove the encroachments made by the third respondent in front of Arasaradi Vinayagar Temple to an extent of 3.7 meters and 4.35 meters at Arasaradi Vinayagar Kovil Street, (D Block, Town Survey No.110), T.N.Pudukudi, Puliyangudi, Tirunelveli District.

2.Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The grievance of the petitioner is that the third respondent has encroached upon the land situated at Town Survey



No.110, T.N.Pudukudi, Puliyangudi, Tirunelveli District. Ventilating such grievance, the petitioner has made a representation, dated 22.03.2018 before the first respondent and as the said representation was not considered, he filed the above writ petition. After notice, the matter was taken up for further hearing today.

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4.The learned counsel for the first respondent Municipality submitted that it is not that the third respondent alone has encroached upon the said property and on the other hand the petitioner also is an encroacher. After saying so, the learned counsel submitted that already a notice for removal of encroachment was issued on 16.07.2019 and the same was served on the petitioner and the third respondent on 22.07.2019. Therefore, he submitted that it is for the parties to make their objections before the first respondent, who in turn will consider the same and pass appropriate orders on merits and in accordance with law.

5.Considering the above sated facts and circumstances and in view of the fact that the first respondent has already taken steps to remove the encroachment by issuing notice dated 16.07.2019 on the respective parties, it is for them to make objections before the first respondent, if any, in writing.

6.Accordingly, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner as well as the third respondent only with a direction to these parties to file their objections before the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objections, the first respondent shall pass a suitable order on merits and in accordance with law, within a period of four weeks thereafter. No costs.

Sd/-

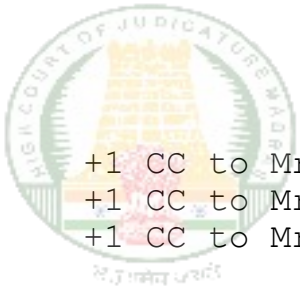
Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner,
Puliyangudi Municipality,
Puliyangudi,
Tirunelveli District.
2. The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi,
Tirunelveli District.



+1 CC to Mr.M.RAJARAJAN, Advocate (SR-79375[F] dated 02/08/2019)
+1 CC to Mr.B.TAMIL NITHI, Advocate (SR-79636[F] dated 05/08/2019)
+1 CC to Mr.R.J.KARTHICK, Advocate (SR-79618[F] dated 05/08/2019)

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rj2

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