



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition(MD).No.23996 of 2019

S.Samuel Chandran

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

3.The Town Planning Officer,
Kodaikanal Municipality,
Kodaikanal.

4.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

5.R.Rajan
6.Balammal
7.Philominal
8.V.Dhanam
9.A.Manickam
10.M.Ponraj
11.Nachimuthu
12.Pandiammal
13.Sivaprakasam
14.R.Perumal
15.Thangamani
16.Balakrishnan
17.Adilakshmi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to remove the encroachments made in Public Road in S.Nos.26, Ward C, Block 1, Kodaikanal, Dindigul District, following due process of law in light of the order made by this Court in W.P.No.5702 of 2005 dated 16.08.2005 and W.P(MD).No.5052 of 2012 dated 13.12.2018 by considering the petitioner representation dated 15.01.2019 within the time that may be stipulated by this Court.



For Petitioner : Mr.Kasiviswanathan
for M/s.Ajmal Associates
For Respondents : Mr.S.Angappan (for R1, R3 & R4)
Government Advocate
Mr.T.S.Mohamed Mohideen (for R2)

WEB COPY

O R D E R

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

Heard Mr.Kasiviswanathan, learned counsel appearing for petitioner, Mr.S.Angappan, learned Government Advocate appearing for the respondents 1,3 and 4 and Mr.T.S.Mohamed Mohideen, learned counsel appearing for the second respondent.

2.The petitioner alleging that the respondents 5 to 17 are encroachers in public road has submitted a representation on 15.01.2019 and it has been received by the respondents, as seen from the Post Acknowledgement Card and filed this writ petition stating that the representation should be considered and the encroachment should be removed.

3.Since we dispose of this writ petition without notice to the respondents 5 to 17, we are not inclined to issue any positive direction as sought for by the petitioner. However, if there is any encroachment on a public or Government road, the concerned local body, namely, the Municipality or Panchayat should take action and there is no necessity for any Court order for such purpose. The petitioner has submitted representation to the respondents on 15.01.2019. Thus, without going into the merits of the matter, we direct the second respondent to consider the said representation and pass orders on merits and in accordance with law, after following due process of law after issuing notice to all the parties.

4.With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

rmk



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Town Planning Officer,
Kodaikanal Municipality,
Kodaikanal.

3.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

+1 CC to Spl.GP (SR-98826[F] dated 15/11/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-98933[F] dated
18/11/2019)

Writ Petition (MD).No.23996 of 2019
14.11.2019

_MK (04.12.2019) 3P 6C