



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.24169 of 2019

and

WMP (MD) No.20760 of 2019

WEB COPY

Abel Gunaseelan

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate building,
Trichy.

2.The Corporation Commissioner
Trichy Corporation Office,
Madurai.

3.The Revenue Divisional Officer,
Office of the Collectorate building,
Trichy.

4.The Tahsildar,
Trichy East, Town Hall,
Trichy.

5.S.Palraj

6.Isar Jarsh Joseph

7.S.Manamohan

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 to 4 to remove the illegal encroachment in Town Survey No.46 made by the respondents No.5 to 7 in the public pathway road by making drive home, car shed and fencing on the opposite side of petitioner's house property located at No.17/39A, New Street, Kaja Pettai, Trichy.

For Petitioner

: Mr.D.S.Haroon Rasheed

For Respondents
(R1, R3 & R4)

: Mr.M.Murugan
Govt.Advocate

For Respondent-2

: Mr.N.S.Karthikeyan



O R D E R

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

We have heard Mr.D.S.Haroon Rasheed, learned counsel for the petitioner, Mr.M.Murugan, learned Government Advocate for R1, R3 and R4 and Mr.N.S.Karthikeyan, learned counsel for R2.

WEB COPY

2. The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove the illegal encroachment in Town Survey No.46, made by the respondents No.5 to 7 in the public pathway.

3. According to the petitioner, the private respondents have encroached a road by putting up a car shed, temporary structures etc., Photographs show that there are certain projections are also erected, under which, two wheelers and cars have been parked.

4. The learned Government Advocate appearing for the respondents R1, R3 and R4 submitted that the revenue officials inspected the place and found that there is encroachment and necessary report has been forwarded to the Tiruchirappalli Corporation.

5. The learned Standing Counsel for the Tiruchirappalli Corporation submits that as early as April 2019, notice was issued and the petitioner has also put up certain structures, which are also encroachment.

6. It is not known as to why the Corporation has not initiated any action for all these months, though they came to know that there is an encroachment. Since we are disposing of this writ petition without notice to the respondents 5 to 7, we cannot issue any positive direction. However, if according to the respondent Corporation, there is encroachment by the respondents 5 to 7, petitioner and others, it should take immediate action. Accordingly, we direct the respondent Corporation to issue fresh notice to all the encroachers namely petitioner, Respondents 5 to 7 and others and grant them reasonable time to remove the encroachments by themselves, failing which, the same shall be removed by the Corporation, without any delay.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To
1.The District Collector,
Office of the Collectorate building,
Trichy.

2.The Corporation Commissioner
Trichy Corporation Office,
Trichy.

3.The Revenue Divisional Officer,
Office of the Collectorate building,
Trichy.

4.The Tahsildar,
Trichy East, Town Hall,
Trichy.

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-98984[F]dated
18/11/2019)

+1 CC to SPL GP (SR-99013[F] dated 18/11/2019)

+1 CC to Mr.D.S.HAROON RASHEED, Advocate (SR-99268[F] dated
19/11/2019)

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VB(05.12.2019) 3P 8C