



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.15581 of 2017

1.N.Zahir Hussain

2.V.Balamurugan

... Petitioners

Vs.

1.The Commissioner

Tiruchirapalli City Municipal Corporation
Trichy.

2.Assistant Commissioner

Tiruchirapalli City Municipal Corporation,
Ariyamangalam Zone, Trichy.

3.Assistant Commissioner,

Tiruchirapalli City Municipal Corporation
Ko.Abishekapuram Zone,
Trichy.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove all encroachments from the water channel in TS No.26, Old Survey No.615 of Chintamani Village, Ward F, Block 21 of Tiruchirapalli City Municipal Corporation.

For Petitioner

: Mr.K.Prabhakar

For Respondents

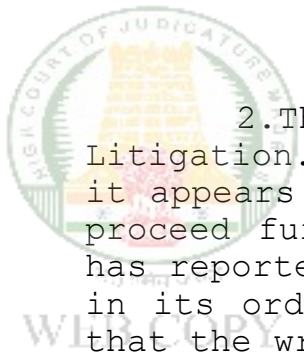
: Mr.N.S.Karthikeyan

Standing Counsel Corporation

ORDER

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

Heard Mr.K.Prabhakar, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Standing Counsel appearing for the respondents.



2.This writ petition has been filed as a Public Interest Litigation. After having filed the public interest litigation, now it appears that the petitioner has informed his counsel that not to proceed further. Therefore, the learned counsel for the petitioner has reported no instruction. This was recorded by the Division Bench in its order dated 28.02.2019. Nevertheless, considering the fact that the writ petition was filed as a public interest litigation for removal of encroachment, it granted time to the learned Standing Counsel for the Trichy City Municipal Corporation to get instruction in the matter. Before us, today the learned counsel for the petitioner reports that till date he does not have any instruction from his client. Thus, it appears that the bonafides of the writ petitioner is highly doubtful and we cannot entertain this writ petition at his instance. However, since the issues involved pertain to encroachment even without any direction from this Court, the competent authority, should take action and remove the encroachment if any.

3.The learned Standing Counsel for the respondents Corporation submits that the assistance of the Tahsildar as well as the Public Works Department is required so that the area can be surveyed and action can be initiated.

4.In the light of the above, while dismissing the writ petition, we direct the first respondent to send a communication to the Tashildar as well as the officials of the Public Works Department of the concerned area to arrange for a joint inspection of the area and conduct a survey, then ascertain the encroachment and issue notice to the encroachers and proceed further in accordance with law. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Commissioner
Tiruchirapalli City Municipal Corporation
Trichy.

2.Assistant Commissioner
Tiruchirapalli City Municipal Corporation,
Ariyamangalam Zone
Trichy.



3.Assistant Commissioner,
Tiruchirapalli City Municipal Corporation
Ko.Abishekapuram Zone,
Trichy.

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PM(CO)
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