

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.NO.20328 OF 2018

L.Balakrishnan

... Petitioner

versus

1. The District Collector,
Office of the District Collectorate,
Salem District.
2. The Commissioner,
Mettur Municipality, Mettur, Salem District.
3. The Tahsildar,
Mettur Taluk, Salem District.
4. The Revenue Divisional Officer,
Mettur, Salem District.

5. R.Rukmani

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in Municipality Public Road that is 40 feet wide road leading north to south situate in T.S.No.61, Ward-A, Block No.39 of Mettur Municipality. सत्यमेव जयते

For Petitioner : Mr.V.Elangovan
For Respondent Nos.1,3 & 4: Mr.V.Shanmuga Sundar
Special Government Pleader
For Respondent No.2 : Mr.S.Saravanan
For Respondent No.5 : Mr.A.Sundaravadhanam

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

The petitioner has come up with the present Writ Petition for a Mandamus, directing the respondents 1 to 4 to

remove the encroachment made by the fifth respondent in Municipality Public Road i.e. 40 feet wide road leading North to South situated in T.S.No.61, Ward-A, Block No.39 of Mettur Municipality.

2. The main grievance of the petitioner is that the fifth respondent has encroached the public road of Mettur Municipality and put up an illegal structure and caused hindrance to the petitioner. In this regard, the petitioner has made several representations to the second respondent. Since no action has been taken by the second respondent, the petitioner has come forward to file this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1, 3 and 4 as well as the learned Standing Counsels for respondents 2 and 5 and perused the materials on record.

4. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the second respondent submitted that the said land was classified as Municipal Street with corresponding T.S.No.61, Ward-A, Block No.39 and the second respondent had issued notice as early as on 20.08.2018 calling upon the fifth respondent to remove the encroachment.

5. In view of the above submission made by the learned Standing Counsel appearing for the second respondent, since, inspite of issuance of notice dated 20.08.2018 calling upon the fifth respondent to remove the encroachment, she has not chosen to remove the same, the second respondent is directed to call upon the petitioner as well as the fifth respondent and conduct enquiry and afford an opportunity of personal hearing to them and thereafter, proceed with the matter in accordance with law to remove the said encroachment. The entire exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sri

To

1. The District Collector,
Office of the District Collectorate,
Salem District.
2. The Commissioner,
Mettur Municipality,
Mettur, Salem District.
3. The Tahsildar,
Mettur Taluk,
Salem District.
4. The Revenue Divisional Officer,
Mettur, Salem District.

+1cc to Mr.A.Sundaravadhanam, Advocate, S.R.No.2965

+1cc to Mr.S.Saravanan, Advocate, S.R.No.2690

+1cc to the Government Pleader, S.R.No.3181

+1cc to Mr.S.Doraisamy, Advocate in sr.no.2617 (18.03.2020)

W.P.No.20328 of 2018

VSNI I (CO)
CS/19/02/2020



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