



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.8200 of 2020

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S.M.Ramasamy

... Petitioner

Vs.

1.The Tahsildar,
Madurai North Tahsildar Office,
Madurai North Taluk
Madurai District Collectorate,
Madurai District.

2.The Commissioner,
Madurai Corporation,
O/o. Commissioner Office,
Arignar Anna Maligai,
Tallakulam,
Madurai - 625 007.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the illegal and unlawful parking of four wheelers, auto by the residents of Lourdhu Nagar West 2nd Cross Street, K.Pudur, Madurai Town, comprised in Town Survey No.86, Block No.41, Ward No.XVI, measuring about 0.01.83.5 sq. mtr., by considering the petitioner's representation dated 27.11.2019 within a time frame as may be fixed by this Court.

For Petitioner
For Respondents

:Mr.M.Ponniah
:Mr.Aayiram K.Selvakumar
Additional Government Pleader for R.1
Mr.R.Murali
Standing Counsel for R.2

* * * * *

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner is a retired Deputy Inspector of Survey and is residing at Door No.11, Lourdhu Nagar 2nd Cross Street, K.Pudur, Madurai - 7 and according to him, in the street, in which, his residence is located, four wheelers and two wheelers were haphazardly parked and thereby, blocking the access.



2. Learned Counsel for the petitioner would submit that in the event of medical emergency, especially, in the outbreak of COVID-19 pandemic virus, even an Ambulance cannot enter into the street on account of unauthorised and haphazard parking of vehicles and the petitioner, in this regard, has submitted a detailed representation, dated 27.11.2019 to the respondents and despite receipt and acknowledgement, nothing is moving forward and hence, came forward to file this writ petition.

3. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accepts notice on behalf of the first respondent and Mr.R.Murali, learned Standing Counsel accepts notice on behalf of the second respondent.

4. This Court has considered the arguments advanced by the learned Counsel for the petitioner and also perused the materials placed on record.

5. This Court can take judicial notice of the fact that the citizens, now-a-days, lack civic sense to act in a responsible and orderly manner. This Court has also come across very many incidents where even the affluent and educated ones are not willing to adhere to the law and discipline and that is why, very many incidents of unauthorised parkings in public roads and thereby, causing utmost inconvenience to the pedestrians and road users.

6. In the considered opinion of this Court, it is extremely difficult to enforce these kinds of discipline through Court orders. Adherence to the rule of law and orderly behaviour should come within and as of now, it remains only as a distant dream.

7. The learned Standing Counsel for the Madurai Corporation/second respondent would submit that in terms of the Madurai City Municipal Corporation Act, they are having power only to remove the encroachments and also the projections upon public streets and the remedy open to the petitioner, if any, is to approach the jurisdictional police and in that event, the jurisdictional Corporation Officials would also extend their maximum co-operation.

8. A perusal of the photographs would also disclose that there are very many projections on the alleged public street and therefore, it is open to the second respondent to cause inspection to find out whether the constructions or projections upon the street, namely, Lourdu Nagar 2nd Cross Street, K.Pudur, Madurai - 7, are authorised/unauthorised/deviated. It is also open to the petitioner to submit a representation along with the photographs to the jurisdictional police, who on receipt of the same, is expected to take prompt and appropriate action in accordance with law.



9. The writ petition stands disposed of accordingly. No costs.

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// True Copy //

Sd/-

Assistant Registrar (AS)

/ /2020

Sub Assistant Registrar(CS)

RSB

Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Tahsildar,
Madurai North Tahsildar Office,
Madurai District Collectorate,
Madurai District.

Copy To:

The Commissioner of Police,
Madurai City.

+1 CC to MR.R. MURALI, Advocate (SR-13336[F] dated 29/07/2020)

W.P. (MD)No.8200 of 2020

29.07.2020

VB (06.08.2020) 3P 4C