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W.P.(MD)No.8993 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8993 of 2020

and

W.M.P. (MD)No.8223 of 2020

J.Jayaraman

... Petitioner

Vs.

1.The District Collector,
Madurai, Madurai District.

2.The Additional Director of Panchayats,
Collectorate Campus, Madurai.

3.The Block Development Officer,
Thiruparamkundram,
Madurai District.

4.The President,
Karadipatti Panchayat,
Karadipatti, Madurai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the encroachments made by both side residents of Pillar Road in Pillar Road, Nagamalai Pudukottai, Madurai considering the safety to the public.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.R.Murugan
Additional Government Pleader
for R.1 and R.2

: Mr.R.Pandiyarajan

Standing Counsel for R.3 and R.4



ORDER

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

The Writ Petition styled as a Public Interest Litigation is filed by a resident of Onthimalai, Karadipatti, Nagamalai Pudukottai, Madurai.

2. It is the submission of the learned Counsel appearing for the petitioner that the residents of that place have to reach Theni-Madurai main road only through Pillar Road, Nagamalai Pudukottai, Madurai District and the width of the Pillar Road is 20 feet and the length of the Pillar Road is about 2 km and most of the residents had put up constructions in such a manner that their door steps project the open area and as a result, the width of the Pillar Road is reduced, which leads to traffic hazard etc.,

3. The learned Counsel appearing for the petitioner would further contend that on account of the said projection in the form of illegal encroachment upon public road, the residents of Onthimalai are put to irreparable loss, grave hardship and extreme difficulty and hence, prays for removal of encroachment.

4. Mr.R.Murugan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 and 2 and Mr.R.Pandiyarajan, learned Standing Counsel, accepts notice for the respondents 3 and 4.

5. This Court considered the arguments advanced by the learned Counsel appearing for the petitioner and also perused the materials, which includes photographs, placed before this Court.

6. This Court, taking into consideration the facts and circumstances and without going into the merits of the claim as projected by the petitioner either in his representation dated 24.07.2020 or in this writ petition, directs the petitioner to submit a detailed representation along with supporting documents and photographs to the respondents 3 and 4 as well as to the jurisdictional Tahsildar, within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the said officials shall cause inspection of the Pillar Road, Nagamalai Pudukottai, Madurai District and if the result of the inspection discloses any infraction/violation of any rules or regulations, shall take immediate, necessary and appropriate action in accordance with law, against the concerned violators, by putting them on notice and also by adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of the representation of the petitioner and communicate the decision taken to the petitioner as well as to the persons concerned.



7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

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/ /2020

Sub Assistant Registrar(CS)

Note: 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

1.The District Collector,
Madurai, Madurai District.

2.The Additional Director of Panchayats,
Collectorate Campus, Madurai.

3.The Block Development Officer,
Thiruparamkundram,
Madurai District.

4.The President,
Karadipatti Panchayat,
Karadipatti, Madurai District.

+1 CC to M/s.S. XAVIER RAJINI, Advocate (SR-14059[F] dated
14/08/2020)

W.P. (MD)No.8993 of 2020
and

W.M.P. (MD)No.8223 of 2020
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