



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) .No.10805 of 2020

and

W.M.P (MD) No.9505 of 2020

A.Sahadevan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone - 4,
Madurai Corporation,
Madurai.

3.The Assistant Engineer,
Zone - 4,
Subramaniyapuram,
Madurai.

4.The Town Surveyor,
Madurai Corporation,
Madurai.

5.Mr.Nagarajan

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fifth respondent in the public road at T.S.No.100, Block No.37, Veerakaliyamman Temple Street, Jaihindpuram, Madurai, by considering the petitioner's representation dated 05.08.2020.

For Petitioner : Mr.M.Jagadeesh Pandian

For R-1 to R-4 : Mr.R.Murali

O R D E R

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

The petitioner is a resident of Jaihindpuram, Madurai and alleging encroachment on the part of the fifth respondent upon Veerakaliyamman Kovil Street in Ward No.90, Zone-4 of Madurai Corporation, came forward to file this writ petition.

2. The learned counsel appearing for the petitioner would submit that in response to the written representation submitted by the petitioner, the corporation officials caused inspection and thereafter, issued notice as to the survey to be held on 27.07.2020



and it was also conducted in the presence of the concerned parties and despite doing so, no further action has been taken to remove the alleged encroachment and therefore, he is constrained to approach this Court by filing this writ petition.

3. Mr.R.Murali, learned standing counsel, who accepts notice on behalf of the respondents 1 to 4, on instructions would submit that the fifth respondent on an earlier occasion had filed W.P(MD)No.9879 of 2020, challenging the proceedings / order dated 10.08.2020, issued by the second respondent herein and for a consequential direction to the respondents therein not to disturb his peaceful possession of the property in T.S.No.100 admeasuring to an extent of 650 sq. ft. in Veerakaliamman Kovil Street, Jaihindpuram, Madurai-11 and it was disposed of on 24.08.2020 by directing the respondents / corporation to treat the impugned notice dated 10.08.2020 as a show-cause notice, for which, the fifth respondent herein was permitted to submit his response, with a further direction to consider the case of the fifth respondent within a period of six weeks thereafter and communicate the decision taken to the fifth respondent and till such time, the said respondents were also directed to defer the proceedings.

4. It is the further submission of the learned standing counsel appearing for the respondents / corporation that though this Court while disposing of W.P(MD)No.9879 of 2020 filed by the fifth respondent granted outer time limit of six weeks, orders earlier than the prescribed period are likely to be passed and it would be communicated to the petitioner also.

5. In the light of the above facts and circumstances, no further orders are necessary in this writ petition. However, it is made clear that the second respondent, depending upon the decision to be taken on the basis of the representation submitted by the fifth respondent / writ petitioner in W.P(MD)No.9879 of 2020, shall take immediate, necessary and appropriate action for removal of the alleged encroachment in accordance with law and shall communicate the said decision to the petitioner also.

6. This writ petition stands closed subject to above observations. No Costs. Consequently, connected Miscellaneous Petition is closed.

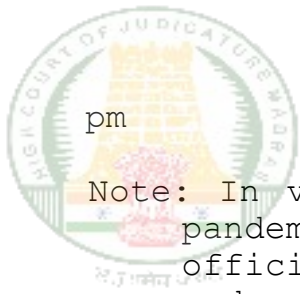
Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /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 Commissioner,
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner,
Zone - 4,
Madurai Corporation,
Madurai.
- 3.The Assistant Engineer,
Zone - 4,
Subramaniyapuram,
Madurai.
- 4.The Town Surveyor,
Madurai Corporation,
Madurai.

+1 CC to M/s.R. MURALI, Advocate (SR-16045[F] dated 07/09/2020)

W.P (MD) No.10805 of 2020
03.09.2020

KB(11.09.2020) 3P 6C