



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.10853 of 2020

A.C.Elanjiyam

... Petitioner

Vs.

1.The Commissioner,
Trichy Corporation,
Trichy.

2.The Assistant Commissioner,
Trichy Corporation,
Ariyamangalam Division,
Palakarai,
Trichy.

3.The Assistant Commissioner,
Trichy Corporation,
Srirangam Division,
Srirangam,
Trichy.

4.The Land Surveyor,
Trichy Corporation,
Ariyamangalam Division,
Ariyamangalam,
Palakarai,
Trichy.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to remove the encroachments, more fully the planted saplings and water pipe connections installed in the petitioner's property comprised in S.Nos.11/1, 11/2 and 11/3 situated at Ward F (A) Block No.47, Ariyamangalam Division, Trichy Corporation, within the jurisdiction of Trichy East Taluk, Trichy District, on the basis of the petitioner's representation, dated 20.06.2020 by the second respondent's subordinate officials within the time stipulated by this Court.



For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.S.Saji Bino
Standing Counsel

ORDER

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

The petitioner is a resident of Tharanallur, Trichy and according to him, he is the owner of certain extent of lands in T.S.No.11/1, 11/2, 11/3 and also 13/2 situated at Ward F (A), Block No.47, Ariyamangalam Division, Trichy District and in respect of the lands owned by him in the said Survey Numbers, the respondent Corporation, without resorting to acquisition proceedings, has converted it as a Park.

2. Learned Counsel for the petitioner would submit that in respect of his land in T.S.No.11/3, the petitioner already instituted a civil suit in O.S.No.1316 of 2014 on the file of the Principal District Munsif Court, Trichy and the same is pending disposal and the hearing also could not be expedited due to the non-cooperative attitude of the official respondents/defendants.

3. Attention of this Court has also been invited to the notice, vide Na.Ka.No.3081/2020/F1/(Sri), dated 16.07.2020, issued by the second respondent for causing enquiry and no progress is shown and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. Learned Standing Counsel for the respondent Corporation would submit that in the approved layout, the land in question is earmarked as a Park and since the points urged by the petitioner involve adjudication of disputed questions of facts, the remedy open to the petitioner lies elsewhere.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, this Court, without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the second respondent to conclude the enquiry, for which, notice, vide Na.Ka.No.3081/2020/F1/(Sri), dated 16.07.2020, has been issued by the second respondent, after affording an opportunity of personal hearing to the petitioner, as expeditiously as possible and not later than **eight weeks** from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.



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W.P.(MD)No.10853 of 2020

7. This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /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

1.The Assistant Commissioner,
Trichy Corporation,
Ariyamangalam Division,
Palakarai,
Trichy.

W.P. (MD)No.10853 of 2020

04.09.2020

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SCR(CO)

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