



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**

**AND**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P (MD) No.17451 of 2020

and

W.M.P (MD) No.14599 of 2020

V.Ramasamy

... Petitioner

Vs.

1.Assistant Director of Town Panchayat,  
Sivagangai Region,  
Sivagangai.

2.The Executive Officer,  
Selection Grade Town Panchayat,  
Thirupathur,  
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 2<sup>nd</sup> respondent to remove the road encroachment on Ward No.6 G.R.No.84/1 of Kottai Karuppar Street of Thirupathur Selection Grade Town Panchayat, Sivagangai District and direct to stop the road laying work without removing encroachment pursuant to the work order No.433/2018/A2, dated 02.03.2020 on the strength of the petitioner's representation, dated 03.08.2020 according to law.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Mr.S.Muthalraj              |
| For Respondent | : Mr.K.Mu.Muthu,              |
| No.1           | Additional Government Pleader |
| For Respondent | : Mr.M.Muthugeethaiyan,       |
| No.2           | Special Government Pleader    |

### **ORDER**

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner has filed this writ petition, seeking a direction to the respondents to remove the road encroachment on Ward No.6 G.R.No.84/1 of Kottai Karuppar Street of Thirupathur Selection Grade Town Panchayat, Sivagangai District and to stop the road laying work without removing encroachment thereon.

2.Heard Mr.S.Muthalraj, learned Counsel appearing for the petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the 1<sup>st</sup> respondent and Mr.M.Muthugeethaiyan, learned



Special Government Pleader appearing for the 2<sup>nd</sup> respondent.

3.It is submitted that the road in dispute is having an extent of 260 Metres length and 3.75 Meters width, which is encroached by the third parties to an extent of 60 Metres length and 3.75 Metres width by putting up a construction thereon.

4.It is the specific case of the petitioner that without removing the encroachments, the road should not be laid and they are trying to lay the road without removing the encroachment, for making unjust enrichment.

5.This Court finds some force in the arguments of the learned Counsel appearing for the petitioner and as pointed out, the road should not be laid without removing the encroachment. Further, the 2<sup>nd</sup> respondent/ Executive Officer, Selection Grade Town Panchayat, Thirupathur, Sivagangai District, who appeared before this Court through Video Conferencing, submitted that the encroachments are made by constructing septic tank and wash room. He further submitted that within a period of two weeks, all the encroachment would be removed.

6.In the light of the above discussion, this Court directs the respondents to remove the encroachments in Ward No.6 G.R.No.84/1 of Kottai Karuppar Street of Thirupathur Selection Grade Town Panchayat, Sivagangai District, as per law and after issuing notice to them, within period of two weeks from the date of receipt of a copy of this order. It is made clear that till the encroachments are removed, the road should not be laid.

7.The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

8.Post the matter after two weeks, under the caption '**For reporting compliance**'.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk

To

1.The Assistant Director of Town Panchayat,  
Sivagangai Region,  
Sivagangai.



2.The Executive Officer,  
Selection Grade Town Panchayat,  
Thirupathur,  
Sivagangai District.

Copy to:

The Section Officer,  
Writ Section,  
Madurai Bench of Madras High Court, Madurai.  
(For Reporting Compliance after two weeks)

+1 CC to M/s.GP ( SR-24373[F] dated 08/12/2020 )

**W.P (MD) No.17451 of 2020**  
**04.12.2020**

ns (CO)  
KK(16.12.2020) 3P 5C