



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P. (MD) No.26340 of 2019

S.Aravind Babu

... Petitioner

-vs-

1.The Commissioner
Madurai Municipal Corporation
Madurai

2.P.K.N.Arumugam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to remove the encroachment caused by the second respondent by construction of wall across the 23 Feet Road in R.S.No.261/1, 341/6 (P), Udayam Nagar, Madakulam Village, Duraichamy Nagar Extension, Madurai and further directing the first respondent to ensure the 23 Feet road is free from encroachment to enable free flow of traffic.

For Petitioner: Mr.B.Saravanan

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R1
Ms.R.Meena Kumari for R2

O R D E R

[Order of the Court was made by M.DURAI SWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the first respondent to remove the encroachment caused by the second respondent by constructing a wall across the 23 Feet Road in R.S.Nos.261/1 and 341/6 Part, Udayam Nagar, Madakulam Village, Duraichamy Nagar Extension, Madurai and further directing the first respondent to ensure the 23 Feet road is free from encroachment to enable free flow of traffic.

2. When the writ petition is taken up for hearing, the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the first respondent submitted that the wall constructed across the 23 Feet road in R.S.Nos.261/1 and 341/6 Part has already been removed and therefore,



the writ petition may be closed.

3. The learned counsel appearing for the petitioner submitted that the second respondent may be directed to ensure that no further encroachment is made in the road.

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4. The learned counsel appearing for the second respondent submitted that the wall was constructed in the patta land of the second respondent. However, the second respondent is at liberty to establish the said contention in accordance with law.

5. If the wall is constructed in the public road, the first respondent should ensure that no further encroachment is made in the road.

6. With these observations, the writ petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

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Sub Assistant Registrar(CS)

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To:
The Commissioner,
Madurai Municipal Corporation,
Madurai.

+1 CC to M/s.R.MEENAKUMARI, Advocate (SR-8175[F] dated 25/02/2020)

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-8248[F] dated 25/02/2020)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-8326[F] dated 26/02/2020)

W.P. (MD) No.26340 of 2019

25.02.2020

KK/06.03.2020/2P-5C