



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.(MD) No.1646 of 2020

and

WMP(MD)No.1361 of 2020

R.Udayakumnar

... Petitioner

vs.

1)The Commissioner,
Tiruchirappalli City Municipal Corporation,
Cantonment, Tiruchirappalli 620001.

2)The Assistant Commissioner,
Srirengam Zone,
Tiruchirappalli City Municipal Corporation,
Srirengam, Tiruchirappalli 620 006.

3)V.Sankaran

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent 1 and 2 to remove the hut put up illegally by the 3rd Respondent on the road comprised in T.S.No.1349 part situated on the west of plot No.24 comprised in T.S.No.1350/1A measuring an extent of 2980 square feet north south on the west 73-1/2' on the east 75-1/2' east west on both sides 40' situated at Thimmaraya Samuthram Village, Srirengam Taluk, Tiruchirappalli District and with the help of police within a specified time that may be fixed by this Honourable High Court.

For Petitioner : Mr.Shangar Murali

For R1 & R2 : Mr.R.Baskaran, Standing Counsel
for Government of Tamil Nadu

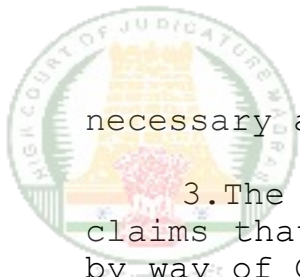
For R3 : Mr.R.Ravindran

ORDER

[Order of the Court was made by **The Hon'ble Chief Justice**]

The petitioner complains of the failure on the part of the Tiruchirappalli City Municipal Corporation to take appropriate steps and follow-up action despite discovering that the 3rd respondent had encroached on Corporation land and had blocked a part of the public road.

2.The first and second respondents are represented by Mr.R.Baskaran, learned Standing Counsel who seeks sometime for the
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necessary action to be taken.

3.The third respondent is represented by Mr.R.Ravindran who claims that a suit has been instituted before the Sub Court, Trichy by way of O.S.No.2 of 2020 in such regard. However, it is submitted on behalf of the writ petitioner that a previous suit had been dismissed and there is no question of any subsequent suit being instituted in respect of the same matter.

4.It is evident from the papers appended to the petition, particularly, an order dated October 09, 2019 and the subsequent order of November 14, 2019 that the third respondent has been required to remove himself and free the public road of encroachment, but the third respondent has refused to do so.

5.Accordingly, W.P(MD)No.1646 of 2020 is allowed by directing the Tiruchirappalli City Municipal Corporation through the first and second respondents herein to take immediate appropriate steps for the physical removal of the third respondent from the public road within a period of three weeks from date. However, if any interim order is passed in any suit instituted by the third respondent, the respondent authorities will abide by such orders. It is needless to say that the third respondent will not attempt to obtain any order in the suit without previous notice to the Corporation.

6.There will be no order as to costs. WMP(MD)No.1361 of 2020 is closed.

Sd/-

Assistant Registrar (CRL)

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/ /2021

Sub Assistant Registrar(CS)

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To

1)The Commissioner,
Tiruchirappalli City Municipal Corporation,
Cantonment, Tiruchirappalli 620001.

2)The Assistant Commissioner,
Srirengam Zone,
Tiruchirappalli City Municipal Corporation,
Srirengam, Tiruchirappalli 620 006.

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