



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.04.2021

CORAM :

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The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) No.7564 of 2021

Deepan Karthick

.. Petitioner

Vs

1. The District Collector,
Thanjavur District.
2. The Revenue Divisional Officer,
Thanjavur.
3. The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur.
4. The Superintendent of Police,
Thanjavur District.
5. The Inspector of Police,
Tamil University Police Station,
Thanjavur.
6. Kumar
7. Kaviyarasan

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the respondents 1 to 5 to evict the encroachment made by the respondents 6 and 7 in starting point of road which connects part of Cauvery Nagar with Pudukottai Road situated in 3rd street, Cauvery Nagar South, Thanjavur based on my representations dated 22.03.2021.

For Petitioner

: Mr.S.Sankar



For respondents

: Mr.K.P.Krishnadoss,
Special Government Pleader
for R1, R2, R4 and R5
Mr.N.Dilip Kumar for R3

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ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Sankar, learned Counsel for the writ petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1,2,4 and 5 and Mr.N.Dilip Kumar, learned Counsel appearing for the 3rd respondent.

2. In the light of the order we proposed to pass in the writ petition, notice to respondents 6 and 7 is dispensed with.

3. The writ petitioner claims that the respondents 6 and 7 have encroached a public road and vending fruits and vegetables. From the photographs produced, we could find that it is in the road margin and it is only a temporary shelter and there is no pucca construction.

4. Mr.N.Dilip Kumar, learned Standing Counsel for the respondent- Municipal Corporation would submit that he does not have instruction as to what is the nature of encroachment, but would submit that due to the COVID-19 pandemic some of the regular traders in public markets were asked to shift to avoid over crowding. There is another allegation made by the petitioner that there is a temple being constructed. All these issues will have to be taken note of by the 3rd respondent-Commissioner and appropriate action be initiated in accordance with law and we make it clear that there should be no high-handed actions and if really there is an encroachment, the same should be dealt with in accordance with law, after notice to all concerned, within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

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 District Collector,
Thanjavur District.
2. The Revenue Divisional Officer,
Thanjavur.
3. The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur.
4. The Superintendent of Police,
Thanjavur District.
5. The Inspector of Police,
Tamil University Police Station,
Thanjavur.

+1 CC to M/s.SPL GP (SR-15462[F] dated 08/04/2021)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-15418[F] dated 07/04/2021)

W.P. (MD) No.7564 of 2021

07.04.2021

RK (26.04.2021) 3P 8C