



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.8076 of 2021

S.Manoharan

.. Petitioner

Vs

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Commissioner,
Sivagangai Municipality,
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents to remove the obstructions made in Dharmar Koil Street in Sivagangai old Survey No.167, T.S.No.44 and restore 22 1/2 ft Road within the time fixed by this Court.

For Petitioner

: Mr.N.Tamil Mani

For respondents

: Mr.A.Karthik,
Government Advocate,
for R1
Mr.J.Lawrance
for R2

ORDER

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

The petitioner by way of writ petition styled as public interest litigation seeks for a direction upon the respondents to remove the encroachment.



2. Mr.J.Lawrance, learned Standing Counsel accepting notice the second respondent, on instructions, would submit that it appears that there is a sintex tank placed in the road margin and the authorities will take appropriate action. Though the sintex tank provides water to the local public for drinking purposes, it should be erected in a place, which does not obstruct the movement of the public either by foot or by vehicles.

3. Furthermore, we find that in the sintex water tank, the name of one Mr.Archunan has been shown very boldly. It appears to be the Chairman of the Municipality and Ward Member. If the Chairman is the elected person, and he should refrain from using his name on the facilities provided by the Municipality for the public and even without his name being exhibited, the people should remember him and recollect his name for the services which he rendered for the public of Municipality.

4. With these observations, this writ petition is disposed of, by directing the second respondent-Municipality to take appropriate action and clear the encroachment and re-locate the water tank to any other unobjectionable place. If there are any other obstructions, which according to the learned Counsel for the petitioner, is also in an existence in the form of cement stage, the same should also be removed. This exercise is to be done within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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,
Sivagangai District,
Sivagangai.



2. The Commissioner,
Sivagangai Municipality,
Sivagangai, Sivagangai District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-16570[F] dated 20/04/2021)

+1 CC to M/s.N.TAMILMANI, Advocate (SR-16885[F] dated 21/04/2021)

+1 CC to M/s.SPL GP (SR-16957[F] dated 21/04/2021)

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RK(11.05.2021) 3P 6C