



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2021**

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WEB COPY

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.8703 of 2021

Sakunthala

...Petitioner

-Vs-

- 1.The District Collector,
Madurai,
Madurai District.
- 2.The Thasildar,
Taluk Office,
Melur, Madurai District.
- 3.The Block Development Officer,
Block Development Office,
Melur, Madurai District.
- 4.The President,
Uranganpatti Panchayat,
Melur Taluk, Madurai District.

5.Dhanabharathi

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent herein in the public street in S.No.722/1, Old S.No.161/10 to the extent of 0.05.33.0 square meter in Pulimalaipatti Village, Uranganpatti, Melur Taluk, Madurai District, based on the representation of the petitioner dated 19.02.2021.

For Petitioner : Mr.N.Saravanan

For Respondents : Mr.K.Mu.Muthu,
Addl. Govt. Pleader for R1 & R2
Mr.A.Muthukaruppan,
Addl. Govt. Pleader for R3 & R4

ORDER

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

This Writ Petition has been filed for a direction to the
<https://hcservices.ecourts.gov.in/hcservices/>



official respondents, alleging that the fifth respondent has encroached a street.

2. Heard Mr.N.Saravanan, learned counsel appearing for the petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for respondents 3 and 4.

3. The fifth respondent's husband, viz. Vairam, had filed W.P. (MD)No.10712 of 2020 before this Court, alleging that the petitioner is an encroacher and the Writ Petition was disposed of by an order, dated 02.09.2020. The present Writ Petition is clearly a counter blast to the earlier order.

4. Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for respondents 3 and 4, on instructions, submitted that there are small encroachment in the street and all of them have encroached.

5. From the photographs, it appears that it is a Village street and if the encroachments are not very objectionable and only very meager, then the same can be undisturbed. However, if the width of the street has been reduced substantially, and the ingress and egress has been affected, then action should be taken against all the encroachers be the petitioner or the fifth respondent, in accordance with law.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: (I) 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.

vsm

To

1.The District Collector,
Madurai,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Thasildar,
Taluk Office,
Melur, Madurai District.

3.The Block Development Officer,
Block Development Office,
Melur, Madurai District.

4.The President,
Uranganpatti Panchayat,
Melur Taluk, Madurai District

+1 CC to M/s.SPL GP (SR-18061[F] dated 29/04/2021)

Order made in
W.P. (MD)No.8703 of 2021

28.04.2021

GS (21.05.2021) 3P 6C