



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.8350 of 2021

and

W.M.P (MD)No.15631 of 2021

Sirajudin

... Petitioner

Vs.

1.The Commissioner of Municipal Administration and
Water Supply Department,
MRC Nagar, Raja Annamalai Puram,
Chennai - 600028.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram - 623503.

3.The District Superintendent of Police,
Ramanathapuram District,
Ramanathapuram - 623503.

4.The Municipal Commissioner,
Ramanathapuram Municipality,
Ramanathapuram - 623501.

5.M/s.Sri Vinakayagar Taxi Drivers -
And Owners Welfare Associations,
Represented by its President/Secretary,
Railway Station Entrance Road, Old Bus Stand,
Ramanathapuram - 623501.

6.M/s.Nethaji Subash Chandra Boss -
Auto Drivers and Owners Welfare Associations,
Represented by its President /Secretary,
Railway Station Entrance Road, Old Bus Stand,
Ramanathapuram - 63501.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent herein to remove the encroachment pursuant to the representation dated 01.07.2019 and 18.07.2019.



For Petitioner	:Mr.S.Diwakar
For R-1 to R-3	:Mr.B.Saravanan, Additional Government Pleader
For R-4	:Mr.A.Kannan
For R-5 & R-6	:Mr.M.S.Jeyakarthik

WEB COPY

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus directing the fourth respondent herein to remove the encroachment pursuant to the representation dated 01.07.2019 and 18.07.2019.

2. The case of the petitioner is that the petitioner along with three others running a Hotel in the name and style of "Hotel Blue Diamond" situate in T.S.Nos.110 to 114, Railway Station Road, Ramanathapuram. In the year 2019, the fifth and sixth respondents, opened Taxi and Auto Stand, abducting the road, which is access to the petitioner's building. Hence, the petitioner made a representation to the fourth respondent requesting to remove the encroachment. Since the said representation was not considered, the petitioner has approached this Court with the aforesaid prayer.

3. When the matter came up for hearing before the earlier Bench of this Court on 28.10.2021, the third respondent/District Superintendent of Police, Ramanathapuram District, was directed to remove the encroachment on or before 11.11.2021 and report compliance before this Court.

4. Subsequently, when the matter is listed before this Bench on 15.11.2021, the following order was passed:

"The respondents 5 and 6 are encroaching the frontage of the Petitioner's building. There was a direction by this Court to the authorities concerned to remove the shed, which has already been removed. Though the said shed has already been removed, the respondents 5 and 6 are still parking the vehicles in front of the Petitioner's building. It is admitted that the respondents 5 and 6 do not have any right to park and block the frontage of the Writ Petitioner's building.

2. The learned counsel appearing for the fifth respondent states that a representation has been given to the Commissioner of Ramanathapuram Corporation, in this regard. It is open to the fifth respondent to pursue his representation with the authorities, in the manner known to law. As the shed has already been removed, the respondents 5 and 6 have no right to park the vehicle in front of the Petitioner's building.



3.Considering the aforesaid situation, we are inclined to give two weeks' time for the respondents 5 and 6 to find out an alternate place for their parking. It is open to them to find out any parking facility on payment or make arrangements to park the vehicles inside the Railway Station, after getting their concurrence. When admittedly there is no semblance of right for the respondents 5 and 6, they cannot park the vehicles in front of the Petitioner's building. If they failed to do so, this Court may be constrained to direct the Police authorities to seize and remove the vehicles.

4.Post the matter on 29.11.2021 under the caption ''for reporting compliance''.

5.The matter is listed today for reporting compliance. Today, the learned counsel appearing for the respondents 5 and 6 has stated that they are not parking any vehicle in front of the petition mentioned premises.

6. Recording the said submission, the Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

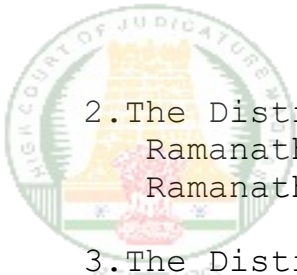
Sub Assistant Registrar(CS)

pm

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:

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Water Supply Department,
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+1 CC to M/s.S. DIWAKAR, Advocate (SR-36527[F] dated 30/11/2021)

+1 CC to M/s.SPL GP (SR-36484[F] dated 30/11/2021)

W.P (MD) No.8350 of 2021
29.11.2021

SS (CO)
KB(13.12.2021) 4P 7C