



WEB COPY

W.P.(MD) No.10615 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

CORAM:

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

and

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.10615 of 2021

M.Jothi

... Petitioner

-vs-

1.The Commissioner
Rajapalayam Municipality
Rajapalayam, Virudhunagar District

2.The District Collector
Virudhunagar District

3.The Land Surveyor
Rajapalayam Municipality
Virudhunagar District

4.The Tahsildar
Rajapalayam
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the Respondents to remove the encroachments in T.S.No.77 classified as street in ward no.3 of Avarampatty Rajapalayam in order to ensure the usage of the street by the public to its full original extent by considering the representation given by the Petitioner on 03.02.2021.

For Petitioner : Mr.Cehngiz Khan.K.

For Respondents : Mr.N.Dilip Kumar for R1 & R3
Mr.R.Baskaran
Standing Counsel for R2 & R4

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner is a resident of Perumal Kovil Sannathi



Street in Rajapalayam Town and complains of rampant encroachments all along the street.

2. Mr.N.Dilip Kumar, learned counsel appearing for the Rajapalayam Municipality, says that there are civil suits pending and the orders passed in the civil suits have to be obeyed by the Municipality.

3. Without seeking to affect any of the orders passed in appropriate proceedings at the behest of third parties, the Commissioner of Rajapalayam Municipality is directed to ensure that appropriate steps are taken to remove all encroachments all along the street and, if necessary, vacating applications ought to be filed in the suits for the subsisting injunction orders to be vacated in public interest, if the encroachers have no right or title to occupy the portions of the revenue land in their possession. A pro-active stand has to be taken by the Municipality and its Commissioner to ensure that the street owned by the Municipality is not overridden by encroachers. Appropriate action should be taken within a period of ten weeks from date.

4. W.P.(MD) No.10615 of 2021 is disposed of by reminding the Municipal Commissioner that if any person is found to be an encroacher and liable to be removed, due procedure in accordance with law must be followed in such regard to remove the encroachment.

5. There will be no order as to costs.

Sd/-

Assistant Registrar (cS-II)

// 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.

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To:

1.The District Collector,
Virudhunagar District.

2.The Tahsildar,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-20432[F] dated 28/06/2021)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-20271[F] dated 25/06/2021)

+1 CC to M/s.K.CHENGIZKHAN, Advocate (SR-20500[F] dated 29/06/2021)

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