



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.11280 of 2021

WEB COPY

C. Alagamal

... Petitioner

Vs.

1. The Collector,
Madurai District, Madurai.

2. The Tahsildar,
Melur Town, Madurai District.

3. The Commissioner,
Melur Municipality,
Melur, Madurai District.

4. The Deputy Superintendent of Police,
Melur Town, Madurai District.

5. Inspector of Police,
Melur Town, Madurai District.

6. Shanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in the public street situated in T.S.No.56, to an extent of 0.0035.0 square meter, at Muniandi Kovil Street, in Ward-C Block-18, Melur Town, Madurai District, by considering the petitioner's representation dated 21.01.2021 and also based on the proceedings initiated by the second respondent in Na.Ka.No. 2/3451/20, dated 18.09.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K. Mahendran

For Respondents : Mr.B. Saravanan

Government Advocate
for R1, R.2, R.4 and R.5

: Mr. J. Gunaseelan Muthiah
for R3



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachments made by the sixth respondent in the public street situated at T.S.No.56, measuring an extent of 0.0035.0 square meter, at Muniandi Kovil Street, in Ward-C Block-18, Melur Town, Madurai District, by considering the petitioner's representation, dated 21.01.2021 and also based on the proceedings initiated by the second respondent, dated 18.09.2021 within a time frame.

2. It is the case of the petitioner that the sixth respondent has encroached the land in question and the official respondents had not removed the encroachment in spite of several orders passed by them.

3. The third respondent filed a counter affidavit, wherein it has been stated that he has addressed a letter to the fifth respondent on 24.08.2021, to provide police protection for removing the encroachment and that he will remove the encroachment within a period of eight weeks.

4. Mr.K.Mahendran, learned Counsel appearing for the petitioner submitted that in view of the averments stated in paragraph 3 of the counter affidavit of the third respondent, the Writ Petition may be closed.

5. Recording the submissions made by the third respondent in the counter affidavit filed by him and also the submission made by the learned Counsel for the petitioner, the Writ Petition stands closed. It is needless to say that the respondents 4 and 5 shall act upon the request made by the third respondent for providing police protection in accordance with law. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LR/SSL

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,
<https://hosevices.ecourts.gov.in/services>



ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To வாய்மையே வெல்லும்

WEB COPY

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Melur, Madurai District.
 4. The Deputy Superintendent of Police,
Melur Town, Madurai District.
 5. The Inspector of Police,
Melur Town, Madurai District.
- +1 CC to M/s.K.MAHENDRAN, Advocate (SR-27849[F] dated 01/09/2021)
- +1 CC to M/s.SPL GP (SR-27888[F] dated 02/09/2021)

W.P (MD) No.11280 of 2021
31.08.2021

ES (CO)
SB(08.09.2021) 3P 8C