



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.13334 of 2021

WEB COPY

C.P.Sarasingh

... Petitioner

Vs.

1.The District Collector,  
Madurai District,  
Madurai - 625 020.

2.The Commissioner of Corporation,  
Madurai Corporation,  
Annamaligai,  
Madurai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to take appropriate action for the removal of the encroachments on the pathway of Madurai Corporation, Mathichiyam, Bhagavathiamman Kovil Street in Survey Ward No.X, Block No.80, Town Survey No.454, which is classified as pathway in the respondent's records and by considering the petitioner's representation dated 17.08.2020.

For Petitioner : Mr.A.Jeyaram  
For R - 1 : Mr.P.Thilak Kumar  
Government Pleader

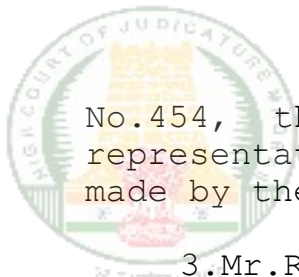
For R - 2 : Mr.R.Murali

**ORDER**

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents to take appropriate action for the removal of encroachments on the pathway of the Madurai Corporation, Mathichiyam, Bhagavathiamman Kovil Street in Survey Ward No.X, Block No.80, Town Survey No.454, which is classified as pathway in the respondent's records and by considering the petitioner's representation dated 17.08.2020.

2.It is the case of the petitioner that there are encroachments in the pathway belonging to the second respondent in Town Survey



No.454, therefore, the second respondent should act upon the representation given by the petitioner and remove the encroachment made by the encroachers.

3.Mr.R.Murali, learned counsel appearing for the second respondent submitted that even while answering the query raised by the petitioner under the Right to Information Act, the second respondent has categorically stated that there are encroachments in the land in question. Further, the learned counsel submitted that the second respondent would take appropriate legal action for removing the encroachment within a period of eight weeks.

4.The learned counsel appearing for the petitioner submitted that appropriate direction may be issued to the second respondent with regard to the removal of encroachment.

5.Having regard to the submissions made by the learned counsel appearing for the petitioner and in view of the submissions made by the learned counsel appearing for the second respondent, we direct the second respondent to remove the encroachment made in Town Survey No.454 in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

**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,  
Madurai District,  
Madurai - 625 020.



2.The Commissioner of Corporation,  
Madurai Corporation,  
Annamaligai,  
Madurai - 2.

+1 CC to M/s.R.MURALI, Advocate ( SR-27858[F] dated 02/09/2021 )

+1 CC to M/s.GP ( SR-27898[F] dated 02/09/2021 )

+1 CC to M/s.A.JEYARAM, Advocate ( SR-27922[F] dated 02/09/2021 )

**W.P (MD) No.13334 of 2021**  
**01.09.2021**

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