



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.12672 of 2021

V.S.Veeraputhran .. Petitioner
Vs

1.The Commissioner,
Sankarankovil Municipality Office,
Sankarankovil Taluk,
Tenkasi District.

2.Madasamy

3.Perumal .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the first respondent to take necessary action based on the petitioner representation dated 26.03.2021 within the time stipulated by this Court.

For Petitioner : Mr.M.Maharaja

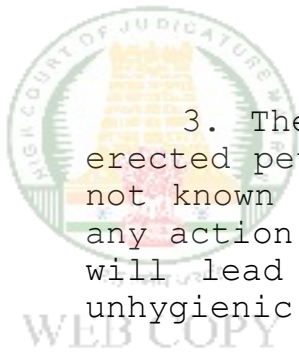
For respondents : Mr.P.Mahendiran,
Standing Counsel for
Municipality for R1

ORDER

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

We have heard Mr.M.Maharaja, learned counsel appearing for the petitioner and Mr.P.Mahendiran, learned Standing Counsel appearing for the first respondent-Municipality.

2. The petitioner by way of this writ petition brought to the notice of this Court about the encroachments, which have been made in the Railway Feeder Road, Sankarankovil Taluk, Tenkasi District.



3. The photographs *prima facie* show that certain persons have erected petty shops on the pathway and on top of the channel. It is not known as to why the first respondent-Municipality has not taken any action. Furthermore, if the petty shops are selling eatables, it will lead to spread of disease and the area appears to be very unhygienic.

4. Therefore, we direct the first respondent-Municipality to immediately conduct an inspection of the area and if there any temporary shops or stalls are put up, the same shall be removed forthwith.

5. Needless to state that the Municipal Authorities should inspect the entire road and remove all encroachments. This will also apply to other roads and streets within the Municipal area and the Municipality need not to wait for any direction to be issued by this Court, because, it is their statutory duty to ensure that the Municipality area is free from encroachment. If action is not being initiated by the Commissioner, then the Court can also presume that there is some other agenda for not taking action. The Municipality should not come adverse notice of this Court in any of such matters.

6. With the above directions, this **Writ Petition stands disposed of**. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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:

The Commissioner,
Sankarankovil Municipality Office,
Sankarankovil Taluk,
Tenkasi District.

W.P. (MD) No.12672 of 2021
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KMK (CO)

KB (03.08.2021) 2P 2C