



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.986 of 2019

and

W.M.P(MD).Nos.820 and 1963 of 2019

M.Padma

.. Petitioner

Vs

1. The District Collector,
Madurai.

2. The Revenue Divisional Officer,
Madurai South, Madurai.

3. The Thasildhar,
Madurai South, Madurai.

4. The Village Administrative Officer,
Madakulam Village, Madurai.

5. The Commissioner of Police,
Madurai City.

6. The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

7. Kaja Mohideen

8. Rahuma Begum

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 6 herein to take immediate action against the respondents 7 and 8 and their family members to removal the illegal encroachments made blocking passage of public drainage and drinking water pipe lines on the common pathway made situated at Ponmani Nagar, Venkatachalapuram, B.B.Road Madurai within the time stipulated by this Court.

For Petitioner

: Mr.M.Shakul Hameed

For respondents

: Mr.R.Baskaran,
Standing Counsel for
Government
for R1to R6
Mr.S.Muthumalai Raja for R7,R8



ORDER

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

Heard Mr.M.Shakul Hameed, learned counsel appearing for the petitioner; Mr.R.Baskaran, learned Government Counsel appearing for the respondents 1 to 6 and Mr.S.Muthumalai Raja, learned counsel appearing for the respondents 7 and 8.

2. This writ petition has been filed for removal of alleged encroachment caused by the respondents 7 and 8. In this regard, the petitioner has given several representations and the last of such representation is dated 02.01.2019.

3. The learned counsel appearing for the respondents 7 and 8 submitted that before considering the representation, the respondents 7 and 8 may be issued notice and enquiry may be conducted.

4. It goes without saying that before taking any action on the representation, opportunity should be given to the respondents 7 and 8. Therefore, we direct the third respondent to issue notice to the respondents 7 and 8, hear their objections and after affording an opportunity of personal hearing and then proceed to take action in accordance with law, as expeditiously as possible. If there is any civil litigation between the parties, the same also should be taken note of and consider if there is any order of injunction or any decree, which is in operation in respect of the property in question.

5. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// 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:

1. The District Collector,
Madurai.
2. The Revenue Divisional Officer,
Madurai South, Madurai.
3. The Thasildhar,
Madurai South, Madurai.
4. The Village Administrative Officer,
Madakulam Village, Madurai.
5. The Commissioner of Police,
Madurai City.
6. The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

W.P. (MD) No.986 of 2019
02.07.2021

KK(08.07.2021) 3P 7C