



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.13697 of 2021

Pathmavathi

... Petitioner

Vs.

1.The State,
Represented by the District Collector,
Collectorate,Trichy.

2.The Commissioner,
Municipal Corporation,Trichy.

3.The Revenue Divisional Officer (RDO),
Revenue Divisional Office,Trichy.

4.The Tahsildar,
Taluk Office,
Trichy West,Trichy.

5.Lawrence

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to evict the encroachment made by the fifth respondent in the public pathway situated in T.S.No.1/1 in Kallar Street, Periyamilaguparai, Trichy - 1 on the basis of the petitioner's representation dated 23.06.2021 within a time frame fixed by this Court.

For Petitioner : Mr.S.Krishnan

For RR 1, 3 and 4 : Mr.B.Saravanan
Government Advocate

For R - 2 : Mr.R.Baskaran
Standing Counsel

For R - 5 : Mr.J.Madhu



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 4 to evict the encroachment made by the fifth respondent in the public pathway situated in T.S.No.1/1 in Kallar Street, Periyamilaguparai, Trichy on the basis of the petitioner's representation dated 23.06.2021.

2.The learned counsel appearing for the petitioner submitted that though the petitioner has given his representation as early as on 23.06.2021, the second respondent has not taken any steps to remove the encroachment.

3.Mr.J.Madhu, learned counsel appearing for the fifth respondent submitted that apart from the fifth respondent, there are many encroachers in Survey No.1/1 and that the second respondent has not taken any action.

4.Mr.R.Baskaran, learned Standing Counsel for the second respondent submitted that the petitioner's representation dated 23.06.2021 would be considered by the second respondent in accordance with law and appropriate steps would be taken against all the encroachers.

5.Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for by the learned counsel appearing for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the second respondent to consider the petitioner's representation dated 23.06.2021 and pass orders on merits and in accordance with law, after issuing notice to all the encroachers, within a period of eight weeks from the date of receipt of a copy of this order. We also make it clear that the second respondent shall take steps to remove the encroachment made not only by the fifth respondent but also by all the encroachers in Survey No.1/1 in accordance with law.

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

Sd/-

Assistant Registrar (W)

// 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.



To

1.The District Collector,
Collectorate,
Trichy.

2.The Commissioner,
Municipal Corporation,
Trichy.

3.The Revenue Divisional Officer (RDO),
Revenue Divisional Office,
Trichy.

4.The Tahsildar,
Taluk Office,
Trichy West,
Trichy.

+1 CC to M/s.R.BASKARAN, Advocate (SR-30914[F] dated 01/10/2021)

+1 CC to M/s.SPL.GP (SR-31015[F] dated 04/10/2021)

W.P (MD) No.13697 of 2021
01.10.2021

MGJ(07.10.2021) 3P 7C