



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.01.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH**

**AND**

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.P. (MD)No.18975 of 2020**

**and**

**W.M.P. (MD)No.15893 of 2020**

Ramamoorthy, S/o.Ramasamy

... Petitioner

Vs.

1.The District Collector,  
Office of the District Collector,  
Sivagangai District.

2.The Commissioner,  
Karaikudi Municipality,  
Sivagangai District.

3.Janath, W/o.Ayubkhan,  
Meenakshipuram, Vuthupillayar Kovil Street,  
Nizam Compound,  
Karaikudi Town,  
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the illegal encroachments made by the third respondent on the public pathway, situated at Ward No.4, Vuthupillayar Kovil Street, Meenakshipuram, Karaikudi Town, Sivagangai District, on the basis of the petitioner's representation, dated 20.07.2020, within the time stipulated by this Court.

For Petitioner : Mr.V.Malaiyendran

For R1 : Mr.N.Shamugaselvam  
Additional Government Pleader

For R2 : Mr.P.Mahendran

For R3 : No Appearance



**ORDER**

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

The grievance of the petitioner is that respondent No.3 has encroached upon the public pathway, situated at Ward No.4, Vuthupillayar Kovil Street, Meenakshipuram, Karaikudi Town, Sivagangai District.

2.When the matter was taken up for hearing, Mr.P.Mahendran, learned Standing Counsel for respondent No.2 has produced a copy of the proceedings dated 09.09.2020, by which the third respondent was asked to remove the encroachment.

3.In as much as the said proceedings dated 09.09.2020 is concerned, it cannot be construed as a final notice and hence, we treat it as a show cause. Consequently, the respondent No.3 is directed to give explanation to the said notice within four weeks from the date of receipt of a copy of this order and on receipt of the same, respondent No.2 shall consider the same and pass appropriate orders on merits and in accordance with law. In the meanwhile, there shall be a direction to maintain status-quo, meaning thereby, respondent No.3 shall not put up any construction in the property in question, while her possession is not to be disturbed.

4.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

**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,  
Office of the District Collector,  
Sivagangai District.

2.The Commissioner,  
Karaikudi Municipality,  
Sivagangai District.

+1 CC to SPL GP ( SR-2155[F] dated 27/01/2021 )

**W.P. (MD)No.18975 of 2020**  
**22.01.2021**

KM (04.02.2021) 3P 4C