



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.21994 of 2021

T.Danieal ... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli,
Tirunelveli District.
- 2.The Thasildhar,
Thisiyanvillai,
Tirunelveli District.
- 3.The Block Development Officer,
Nanguneri Union,
Tirunelveli District.
- 4.Laxmanan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the illegal encroachment made by the 4th respondent herein on the public street at Sy. No.3421 in Malayankudieruppu Village, Thisiyanvillai Taluk, Tirunelveli District by considering the petitioner's final representation dated 14.04.2021.

For Petitioner : Mr.A.Ajith Geethan

For Respondent Nos.1 : Mr.B.Saravanan
& 2 Additional Government Pleader

For Respondent No.3 : Mr.C.Sivaraja
Standing Counsel

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing respondent Nos.1 to 3 to remove the illegal encroachment made by the 4th respondent herein on the public street at Survey No.3421 in Malayankudieruppu Village, Thisiyanvillai Taluk, Tirunelveli District, by considering the petitioner's final representation, dated 14.04.2021.



2.Mr.B.Saravanan, learned Additional Government Pleader, accepts notice on behalf of respondent Nos.1 and 2 and Mr.C.Sivaraja, learned Standing Counsel, accepts notice on behalf of respondent No.3. In view of the order we propose to pass hereunder, protecting the interest of the second respondent also, notice to fourth respondent is dispensed with.

3.By consent, this Writ Petition itself is taken up for final disposal at the time of admission.

4.The grievance of the petitioner is that the fourth respondent has encroached 4 feet on the public street in front of his house and constructed steps on the street.

5.The learned Additional Government Pleader appearing for respondent Nos.1 and 2 and the learned Standing Counsel for the third respondent have produced the photographs of the encroachment and submitted that construction made by the fourth respondent is an encroachment and they are ready to remove the encroachment and seek four weeks time to remove the encroachment.

6.Recording the same, the third respondent is directed to remove the encroachment made on the road, which is blocking the road, within four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the fourth respondent and following due process of law.

7.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS I)

// 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,
Tirunelveli,

<https://hcservices.ecourts.gov.in/hcservices/> Tirunelveli District.



2.The Thasildhar,
Thisiyanvillai,
Tirunelveli District.

3.The Block Development Officer,
Nanguneri Union,
Tirunelveli District.

+1 CC to M/s.SPL GP(SR-38357[F] dated
13/12/2021)

+1 CC to M/s.SPL GP(SR-38307[F] dated
13/12/2021)

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10.12.2021

MGJ(23.12.2021) 3P 6C