



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM :

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

W.P. (MD) No.25524 of 2019

Rajangam

.. Petitioner

Vs

- 1.The District Collector,
Theni District.
- 2.The Thasildhar,
Uthamapalayam Taluk,
Theni District.
- 3.The Commissioner,
Cumbum Municipality,
Theni District.
- 4.Irulandi
- 5.Sangili
- 6.Veerabadhran
- 7.Sengodi

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the 3rd respondent to remove the encroachments made by the respondents 4 to 7 and other encroachers in the Road in T.S.No.47 in Block No.18 and in Ward A, Cumbum Town in Theni District in accordance with law within a time to be fixed by this Hon'ble Court.

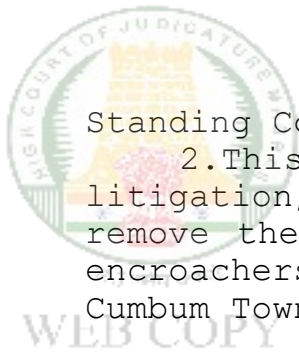
For Petitioner : Mr.S.Saravanakumar

For Respondents : Mr.A.K.Manickam
Standing Counsel for
Government
For R1 and R2
Mr.K.Hema Karthikeyan,
Standing Counsel for R3

O R D E R

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

Heard Mr.S.Saravanakumar, learned counsel for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for respondent Nos.1 and 2 and Mr.K.Hema Karthikeyan, learned



Standing Counsel for respondent No.3.

2.This Writ Petition has been filed as a public interest litigation, seeking for a direction upon the third respondent to remove the encroachments made by the respondents 4 to 7 and other encroachers in the Road in T.S.No.47 in Block No.18 and in Ward A, Cumbum Town in Theni District.

3.The learned Standing Counsel for the third respondent Municipality submitted that it is true, there are encroachments, but they are there for more than thirty years and proposals are pending with the authorities for allotment of alternative site or place or house in Slum Clearance Board Projects and after taking necessary action for alternative accommodation, the authorities will proceed to remove the encroachments in accordance with law.

4.Since the encroachments have been in existence for several decades, it may not be proper to issue a time bound direction. However, the third respondent should not indefinitely prolong the matter because the representation of the petitioner is dated 15.10.2019 and even now more than 1 ½ years have passed by. Therefore, we direct the third respondent to take appropriate action and forward appropriate proposal for allotment of alternative accommodation and ensure that the encroachments are removed as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (W)

// 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,
Theni District.



2.The Thasildhar,
Uthamapalayam Taluk,
Theni District.

3.The Commissioner,
Cumbum Municipality,
Theni District.

+1 CC to M/s.GP (SR-23334[F] dated 20/07/2021)

W.P. (MD) No.25524 of 2019

16.07.2021

MGJ(30.07.2021) 3P 5C