



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.NO.12010 OF 2022
AND W.M.P.NO.11432 OF 2022

K.Anbuselvam

...Petitioner

Vs

1.The Commissioner,
Kallakuruchi Municipality,
Salem Main Road,
Kallakurichi, Kallakurichi District.

2.A.G.Ganesh Kumar

3.K.Geethanjali

4.V.Pugalendi

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to remove the encroachment made by the respondents 2 to 4 in the Masilamani 3rd street, Ka.Mamanandal Road, Kallakurichi and further measure and demarcate the 20 feet road width and then proceed with laying of the thar road.

For Petitioner : Mr.P.Venkataraman

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

Seeking a direction to the first respondent to remove the encroachment made by respondents 2 to 4 in Masilamani 3rd Street, Ka.Mamanandal Road, Kallakurichi and for a consequential direction to measure and demarcate the 20 feet road width and proceed with laying of the tar road, the present writ petition has been filed.



2. It is the case of the petitioner that he is a retired Government servant and his wife purchased a plot bearing Plot No.6 comprised in Survey Nos.92/12 and 92/13 at Kallakurichi village from one Malliga. After purchase, the petitioner put up construction in the year 2008. Due to the difficulties experienced by the petitioner and other plot owners in ingress and egress to the property, they asked Malliga, who is the plot developer to make the road width as 20 feet and the same was also done. While so, the respondents 2 to 4, who purchased the plots from the same developer, constructed houses in their respective plots and put up compound wall by encroaching the road width to an extent of about 4-5 feet. The request made by the petitioner and his neighbours to remove the encroachment was refused by the said respondents. While that being so, the first respondent visited the layout for formation of tar road, pursuant to which, the petitioner made a representation to measure and demarcate the road area as per the modified layout. Since the encroachment was not removed, the petitioner once again made a representation to the first respondent on 12.01.2022 to remove the same. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. Heard Mr.P.Venkataraman, learned counsel for the petitioner, who submitted that it would suffice, if a direction is given to the first respondent to dispose of the petitioner's representation dated 12.01.2022, within a time frame to be stipulated by this court.

4. Mr.A.Selvendran, learned Special Government Pleader taking notice on behalf of the first respondent, has no serious objection for granting such relief to the petitioner.

5. Considering the submissions made, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 12.01.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar
(Vacation Officer)

// True Copy //

Sub Assistant Registrar

mmi/nsd



To

The Commissioner,
Kallakuruchi Municipality,
Salem Main Road,
Kallakurichi, Kallakurichi District.

+1cc to Mr.P.Venkataraman, Advocate Sr.No.31069

+1cc to the Government Pleader Sr.No.31190

W.P.No.12010 of 2022

RK(CO)
RVM(12/05/2022)