



W.P.(MD) No.342 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.342 of 2020

F.Selvin Julius

... Petitioner

-VS-

- 1.The Commissioner,
Municipal Office,
Kovilpatti,
Tuticorin District.
- 2.The Town Planning Officer,
Town and Country Planning Department,
Kovilpatti,
Tuticorin District.
- 3.The Head Surveyor,
District Town Survey Department,
Kovilpatti,
Tuticorin District.



W.P.(MD) No.342 of 2020

WEB COPY

4.The Inspector of Police,
East Police Station Kovilpatti,
Kovilpatti,
Tuticorin District.

5.Durairaj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to remove all the encroachments made by the 5th respondent or any other person in the public Path way leading to Survey No.600/1, Ward No. 32, Vakil Street, Kovilpatti Town, Tuticorin District.

For Petitioner : Mr.Chamundi Bose

For Respondents : Mr.P.Srinivas (For R1)
Mr.P.Thilak Kumar
Government Pleader (For R2 & R3)
Mr.T.Senthil Kumar
Additional Public Prosecutor (For R4)
Mr.R.Karunanidhi (For R5)

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to remove all the encroachments made by the 5th



W.P.(MD) No.342 of 2020

WEB COPY

respondent or any other person in the public pathway in Survey No.600/1, Ward No. 32, Vakil Street, Kovilpatti Town, Tuticorin District.

2. The learned counsel appearing for the petitioner submitted that though the petitioner made a representation on 14.10.2019 to the first respondent seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.

3. The learned Government Pleader appearing for the respondents 2 and 3 submitted that the representation of the petitioner dated 14.10.2019 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 14.10.2019, on merits and in accordance with law, if not considered earlier.



W.P.(MD) No.342 of 2020

WEB COPY

If there is any encroachment, the first respondent shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
19.10.2022

Index : Yes / No
Internet : Yes / No



W.P.(MD) No.342 of 2020

WEB COPY

TO:

- 1.The Commissioner,
Municipal Office,
Kovilpatti, Tuticorin District.
- 2.The Town Planning Officer,
Town and Country Planning Department,
Kovilpatti, Tuticorin District.
- 3.The Head Surveyor,
District Town Survey Department,
Kovilpatti, Tuticorin District.
- 4.The Inspector of Police,
East Police Station Kovilpatti,
Kovilpatti,
Tuticorin District.



WEB COPY



W.P.(MD) No.342 of 2020

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

Vsm

W.P.(MD) No.342 of 2020

19.10.2022