



W.P(MD) No.931 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

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

**W.P.(MD) No.931 of 2021
and
W.M.P(MD) Nos.789 and 790 of 2021**

R.Jothi

... Petitioner

-VS-

1. The District Collector,
Madurai District, Madurai.

2. The Commissioner of Corporation,
Madurai Corporation, Madurai.

3. The Tahsildhar,
North Taluk Madurai District.

4. The Superintending Engineer,
Tamil Nadu Slum Clearance Board,
Madurai Circle,
No.169 K.K.Nagar Main Road,
Madurai-20.

5. N.Sakthivel

... Respondents



W.P(MD) No.931 of 2021

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in the public pathways allotted by the fourth respondent in T.S.No.2720 at Jawaharpuram, K.Pudur, Madurai.

For Petitioner : Mr.A.K.Navaneetharaj

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate
for R1 and R3
Mr.T.S.Mohamed Mohideen
for R2
Ms.S.Latha for R4
Mr.L.K.M.Appaji for R5

ORDER

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in the public pathway allotted by the fourth respondent in T.S.No.2720 at Jawaharpuram, K.Pudur, Madurai.

2. Heard Mr.A.K.Navaneetharaj, learned counsel for the petitioner; Mr.V.Nirmal Kumar, learned Government Advocate, appearing for the respondents 1 and 3; Mr.T.S.Mohamed Mohideen, learned counsel



W.P(MD) No.931 of 2021

appearing for the second respondent; Ms.S.Latha, learned counsel appearing for the fourth respondent and Mr.L.K.M.Appaji, learned counsel appearing for the fifth respondent.

3. Pointing out that the fifth respondent has made encroachment on the aforesaid public pathway in T.S.No.2720 at Jawaharpuram, K.Pudur, Madurai, by constructing a compound wall, toilet and a gate, thereby restricting the public movement in the aforesaid pathway, the petitioner submitted a representation to the official respondents on 05.12.2020 and the same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 3 and 4, to consider and dispose of his representation dated 05.12.2020, in accordance with law, within a time frame.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 3 and 4, to consider the representation of the petitioner dated 05.12.2020, if not considered earlier and if there is any encroachment as



W.P(MD) No.931 of 2021

claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording due opportunity of hearing to the petitioner, fifth respondent and all other parties concerned and also by due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]
23.11.2022

Index : Yes / No
Internet : Yes / No
pkn



WEB COPY



W.P(MD) No.931 of 2021

To:

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner of Corporation,
Madurai Corporation, Madurai.
3. The Tahsildhar,
North Taluk Madurai District.
4. The Superintending Engineer,
Tamil Nadu Slum Clearance Board,
Madurai Circle,
No.169 K.K.Nagar Main Road,
Madurai-20.



WEB COPY



W.P(MD) No.931 of 2021

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

pkn

W.P.(MD) No.931 of 2021

23.11.2022