



W.P.(MD) No.12832 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

CORAM:

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

W.P.(MD) No.12832 of 2013

and

M.P.(MD) No.1 of 2013

Al Ansaar Trust
Represented by it's Managing Trustee
Shaul Hameed
No.245 Nethaji Road, Madurai-1

... Petitioner

-VS-

1.The District Collector
Collectorate Buildings
Madurai District, Madurai

2.The Commissioner
Madurai Municipal Corporation
Madurai

3.The Assistant Commissioner (Corporation)
Madurai Corporation Division-I, Madurai

4.The Tahsildar
Madurai South Taluk
Madurai District

5.N.Krishnan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent Nos.1 to 4 to remove the illegal encroachment made by the respondent No.5 and his family members in an extent of 50 ft. pathway at North south scheme road in Town Survey Ward No. 5, Ellis Nagar, Madurai, within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R4
Mr.T.S.Mohammed Mohideen for R2
Mr.J.Gunaseelan Muthiah for R3
Mr.N.Dilip Kumar for R5

ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the fifth respondent and his family members in 50 feet pathway at North South Scheme Road in Town Survey Ward No. 5, Ellis Nagar, Madurai, within the time stipulated by this Court.



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2. The Commissioner, Madurai Municipal Corporation, Madurai / second respondent has filed a counter affidavit, wherein, in Paragraph No.4, he has stated as follows:

“4.The averments made in the writ affidavit are denied as false, except which are specifically admitted herein. The Survey No.16 in T.S.No.1606, 1607, 1608/20 and 1608/2C are divided as plots. In the eastern side of the above plots, there lies a 50 feet mud road. The encroachment which were found in the 50 feet road was now removed and the road is free from encroachment.”

3. Recording the above averments in the counter affidavit filed by the second respondent, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

28.09.2022

Index : Yes / No

Internet : Yes / No

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

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To:

- 1.The District Collector,
Collectorate Buildings,
Madurai District, Madurai.
- 2.The Tahsildar,
Madurai South Taluk,
Madurai District.

W.P.(MD) No.12832 of 2013
and
W.M.P.(MD) No.1 of 2013

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