



W.P.(MD) No.731 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

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

W.P.(MD) No.731 of 2022
and
W.M.P.(MD) No.578 of 2022

G.Vishvam @ Vishvalingam

... Petitioner

-VS-

- 1.The Commissioner
Madurai Corporation
Anna Maligai
Madurai-625 002
- 2.The Assistant Engineer
Building & Road Section
Madurai Corporation
Anna Maligai
Madurai-625 002

3.K.Sundar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to take action forbearing the illegal construction and encroachment made by the third



W.P.(MD) No.731 of 2022

WEB COPY

respondent against the building rules in the North-South Common pathway comprised in T.S.No.2406/1&2 of Madurai Survey Ward No.1 (Survey Ward No.38), Anuppanadi New Meenakshi Nagar, at Jawahar Road, in New Ramnad Road, Madurai-625 009, considering the representation of the petitioner dated 15.10.2021.

For Petitioner : Mr.V.Nagendran

For Respondents : Ms.S.Devasena
Standing Counsel for R1
No appearance for R2 & R3

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 and 2 to remove the illegal construction and encroachment made by the third respondent in the North-South Common pathway, comprised in T.S.No.2406/1&2 of Madurai Survey Ward No.1 (Survey Ward No.38), Anuppanadi New Meenakshi Nagar, Jawahar Road, in New Ramnad Road, Madurai-625 009, based on the petitioner's representation dated 15.10.2021.



W.P.(MD) No.731 of 2022

WEB COPY

2. The grievance of the petitioner is that though he made a representation to the respondents 1 and 2 as early as on 15.10.2021 seeking removal of the illegal construction and encroachment made by the third respondent in the aforesaid survey number, till date the same has not been considered.

3. The learned Standing Counsel appearing for the first respondent, on instructions, submitted that the petitioner's representation dated 15.10.2021 would be considered and appropriate action would be taken, in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 and 2 are directed to consider the petitioner's representation dated 15.10.2021 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any illegal construction and encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD) No.731 of 2022

WEB COPY

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

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

28.10.2022

Index : Yes / No
Internet : Yes / No

krk



WEB COPY



W.P.(MD) No.731 of 2022

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

krk

W.P.(MD) No.731 of 2022
and
W.M.P.(MD) No.578 of 2022

28.10.2022