



W.P.(MD) No.19267 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.19267 of 2013

V.Manicka Sundharam

... Petitioner

-vs-

1.The Commissioner
Town and Country Planning Department
807, Annasalai, Chennai 600 002

2.The District Collector
Tuticorin District, Tuticorin

3.The Member Secretary
Local Planning Authority (LPA)
Collectorate, Tuticorin 628 001

4.Executive Officer
Special Grade Town Panchayat
Tiruchendur – 628 215
Tuticorin District

5.M.Moorthy

6.M.Jegathambal

... Respondents



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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 encroachments made by the respondents 5 & 6 in the 4th respondent Special Grade Town Panchayat and to take appropriate action against the 5th & 6th respondents' illegal construction based on the petitioner's representation dated 23.09.2013.

For Petitioner : Mr.V.Natarajan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4
Mr.P.Samuel Gunasingh for R5
No appearance for R6

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 respondents 5 & 6 in the fourth respondent Special Grade Town Panchayat and to take appropriate action against them for their illegal construction, based on the petitioner's representation dated 23.09.2013.



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2. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that pending writ petition, the encroachments as alleged by the petitioner in his representation dated 23.09.2013, have been removed.

3. However, the learned counsel for the petitioner submitted that though the encroachments have been removed, no action has been taken by the official respondents against the illegal construction put up by the private respondents.

4. The above submission of the learned Special Government Pleader appearing for the respondents 1 to 4 is recorded.

5. Since the encroachments have already been removed, it is open to the petitioner to approach the authority concerned for the other grievance.



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6. Granting such liberty to the petitioner, the writ petition is disposed of. No costs.

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

28.09.2022

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Commissioner,
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Tuticorin District, Tuticorin.
- 3.The Member Secretary,
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- 4.Executive Officer,
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