



W.P.(MD) No.1781 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.1781 of 2022

D.Selvajothi

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Commissioner of Corporation,
Thoothukudi Corporation,
Thoothukudi.

3.Periyasamy

4.Jegadeesan

5.Dhanasekaran

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd Respondent to consider the Petitioner's representation dated 25.03.2021 and to take appropriate action as against the Respondents 3 to 5 and to remove encroachment by way of illegal and unauthorized construction made by them on the public road in T.S.No. 3459/1A1, Ward 40, Town Survey Ward 4, Block 21 comes under 2nd Respondent Corporation within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Karuppasamy
For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1
Mr.N.Ananda Kumar for R2
Mr.P.Pethurajesh for R3

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 2nd Respondent to consider the petitioner's representation dated 25.03.2021 seeking to take appropriate action as against the respondents 3 to 5 and to remove encroachment by way of illegal and unauthorized construction



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made by them on the public road in T.S.No. 3459/1A1, Ward 40, Town Survey Ward 4, Block 21, which comes under the control of the 2nd respondent Corporation, within a time frame.

2. It is the claim of the petitioner that the respondents 3 to 5 have encroached upon the public road in the aforesaid survey number by putting up illegal and unauthorized construction and in this regard, though the petitioner made a representation on 25.03.2021, seeking to remove the said encroachment, till date, it has not been removed. Hence, the petitioner has filed this Writ Petition.

3. The learned Government Advocate appearing for the first respondent and the learned Standing Counsel appearing for the second respondent submitted that the representation of the petitioner dated 25.03.2021 would be considered by the respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question by due process of law within a time frame, for which, the learned counsel for the petitioner is agreeable.



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4. Recording the above submissions, this Writ Petition is disposed of with a direction to the second respondent to consider and dispose of the representation of the petitioner dated 25.03.2021, on merits and in accordance with law. If there is any encroachment as well as any unauthorized constructions in the place in question, the second 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.]

15.11.2022

vsm



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To

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