



W.P.(MD) No.7410 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.7410 of 2020

T.M.Mohamed Ismail

... Petitioner

Vs.

1.The Commissioner,
Kadayanallur Municipality,
Kadayanallur,
Tenkasi District – 627 751.

2.Mohammed Hussain

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to save and protect the connecting street measuring east west 12 feet and north-south of 55 feet on the west of petitioner's house in between Pudumanai North Street, and Pudumanai South Street in Kadayanallur Town, Tenkasi District from the illegal attempt of



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encroachment of the 2nd respondent with the help of bogus documents, by considering petitioner's representation dated 04.06.2020 within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.M.Rajarajan for R1
No Appearance for R2

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 1st respondent to save and protect the connecting street measuring East-West 12 feet and North-South of 55 feet situated on the West of petitioner's house in between Pudumanai North Street and Pudumanai South Street in Kadayanallur Town, Tenkasi District, from the illegal attempt of encroachment of the 2nd respondent with the help of bogus documents, by considering petitioner's representation dated 04.06.2020.



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2. It is the claim of the petitioner that the 2nd respondent, without having any ownership rights, is trying to encroach the aforesaid street by creating bogus documents and in this regard, though the petitioner made a representation on 04.06.2020 to the first respondent seeking to take necessary steps to protect the abovesaid street from the encroachment, till date, no steps have been taken by the first respondent. Hence, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the first respondent submitted that the representation of the petitioner dated 04.06.2020 would be considered by the first respondent and appropriate action will be taken to remove the encroachment, if any, by due process of law within a time frame, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the first respondent to consider and dispose of the representation of the petitioner dated 04.06.2020, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall



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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.]

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vsm



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To

The Commissioner,
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