



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2022**

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P (MD) No.8931 of 2022

G.Dharmadurai

...Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Tiruchirappalli District.
- 2.The Corporation Commissioner,
Tiruchirappalli City Corporation Office,
Tiruchirappalli City.
- 3.The Assistant Corporation Commissioner,
Tiruchirappalli City Corporation Office,
Tiruchirappalli City.
- 4.The Tahsildar,
The Office of Tahsildar,
Tiruchirappalli.

5.A.Sathiya

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to take necessary steps to remove the encroachment done by the fifth respondent from Corporation street land based on the petitioner's representation dated 05.06.2020 and the fourth respondent's proceeding letter vide letter Na.Ka.A3/2491/2020 dated on 27.08.2020 within a stipulated time fixed by this Court.

For Petitioners	: Mr.S.Sivaprakash
For R-1 & R-4	: Mr.S.P.Maharajan, Special Government Pleader
For R-2 and R-3	: Mr.R.Baskaran, Additional Advocate General



O R D E R

(Order of the Court was made by S.S.SUNDAR, J.)

Heard Mr.S.Sivaprakash, learned counsel for the petitioner, Mr.R.Baskaran, learned Additional Advocate General for respondents 2 and 3 and Mr.S.P.Maharajan, learned Special Government Pleader for respondents 1 and 4.

2. This writ petition is filed for issuance of a Writ of Mandamus directing the respondents to take steps to remove the encroachment made by the fifth respondent over the street, based on the petitioner's representation dated 05.06.2020 and the proceedings of the fourth respondent, dated 27.08.2020.

3. Though the prayer in the writ petition is for issuance of a positive direction to the respondents regarding removal of encroachment, the learned counsel for the petitioner states that the petitioner will be satisfied if a direction is issued to the second respondent or to the respondents 2 and 3, to consider the representation of the petitioner with regard to the removal of encroachment made by the fifth respondent in respect of the public street which is vested with Trichirappalli City Corporation.

4. Considering the limited scope of the prayer that is now sought for by the learned counsel for the petitioner, without going into the merits of the petitioner's representation, a direction is issued to the respondents 2 and 3, to consider the representation of the petitioner, dated 05.06.2020, after taking into account the proceedings of the fourth respondent Tahsildar, dated 27.08.2020 and pass appropriate order and take appropriate action. Before taking any coercive action against the fifth respondent, the respondents 2 and 3 shall issue a show-cause notice to the fifth respondent and take appropriate action strictly in adherence to the provisions of the City Municipal Corporation Act, applicable to the second respondent Corporation. The exercise shall be commenced within two weeks and completed within a period of four months from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PM

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector, District Collector Office,
Tiruchirappalli District.

2.The Corporation Commissioner,
Tiruchirappalli City Corporation Office,
Tiruchirappalli City.

3.The Assistant Corporation Commissioner,
Tiruchirappalli City Corporation Office,
Tiruchirappalli City.

4.The Tahsildar,
The Office of Tahsildar,
Tiruchirappalli.

+1 CC to M/s.SPL.GP (SR-24425[F] dated 07/06/2022)

W.P (MD) No. 8931 of 2022
06.06.2022

RK(14/06/2022) 3P 6C