



W.P.(MD) No.9748 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

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

**W.P.(MD) No.9748 of 2022
and
W.M.P.(MD) No.6983 of 2022**

A.Samayanan

... Petitioner

-VS-

1.The Commissioner
Madurai Corporation
Madurai

2.The Assistant Commissioner
East Zone
Madurai Corporation
Madurai

3.The Assistant Engineer
Ward No.9, Uthangudi
Madurai Corporation
Madurai

4.K.R.Sethu

... Respondents



W.P.(MD) No.9748 of 2022

WEB PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent in the 23 feet road in S.No. 64/1A/1B/2A in JCB Garden, Uthangudi, Madurai and ensure the existence of the 23 feet road consequently ensure the building constructed by the fourth respondent is in consonance with the building plan approval and in accordance with the provisions of town and country planning Act.

For Petitioner : Mr.S.Satheesh Kumar

For Respondents : Mr.K.K.Kannan
Standing Counsel for R1 to R3
No appearance for R4

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 encroachment made by the fourth respondent in the 23 feet road in Survey No.64/1A/1B/2A in JCB Garden, Uthangudi, Madurai, ensure the existence of the 23 feet road and the building constructed by the fourth respondent is in consonance with the building plan approval and the provisions of the Town and Country Planning Act.



W.P.(MD) No.9748 of 2022

WEB COPY

2. The grievance of the petitioner is that though he made several representations to the respondents 1 to 3 on 31.03.2022, 10.04.2022, 21.04.2022 and 27.04.2022 seeking removal of the encroachment made by the fourth respondent in the aforesaid survey number, till date the same have not been considered.

3. The learned Standing Counsel appearing for the respondents 1 to 3, on instructions, submitted that the petitioner's representations dated 31.03.2022, 10.04.2022, 21.04.2022 and 27.04.2022 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 representations dated 31.03.2022, 10.04.2022, 21.04.2022 and 27.04.2022 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



WEB COPY

W.P.(MD) No.9748 of 2022

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.]

14.11.2022

Index : Yes / No
Internet : Yes / No

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W.P.(MD) No.9748 of 2022

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

krk

W.P.(MD) No.9748 of 2022
and
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14.11.2022