



W.P.(MD)No.14664 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.10.2022

CORAM

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

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Gnanasampath
Rep. by his power agent
S.Ahamed Abdul Gaffar

... Petitioner

Vs.

1. The Corporation Commissioner,
Madurai Municipal Corporation,
Anna Maligai, Madurai - 625 002.

2. The Executive Engineer (Plan),
Madurai Municipal Corporation,
Anna Maligai, Madurai - 625 002.

3. The Tahsildar,
Madurai South Taluk, Collectorate,
Madurai - 625 020.

4. Putharmal Bafna

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action on the report forwarded by the third respondent in Na.Ka.No.72/2020/E3 dated 20.06.2020 and remove the encroachments made by the 4th respondent in the 30 feet road linking Madurai - Aruppukottai Main Road with Professor



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Anbalagan Nagar comprising in Ayan Pappakudi Village Survey No.374/1B situated at Municipal Ward No.60, Aruppukottai Main Road, Perungudi, Madurai based on the representation dated 03.07.2021, given by the petitioner to the respondents 1 and 2.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.P.Maharajan
Spl. Government Pleader
for R1 to R3

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action on the report forwarded by the third respondent in Na.Ka.No.72/2020/E3 dated 20.06.2020 and remove the encroachments made by the fourth respondent in Survey No.374/1B situated at Municipal Ward No.60, Aruppukottai Main Road, Perungudi, Madurai, based on his representation dated 03.07.2021.

2. Heard Mr.R.Sankarasubbu, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for respondents 1 to 3.



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3. Pointing out that the fourth respondent encroached the 30 feet road in Survey No.374/1B at Municipal Ward No.60, Aruppukottai Main Road, Perungudi, Madurai, by erecting a big iron shed, the petitioner submitted a representation to the official respondents and pursuant thereto, pointing out that the road in question comes within the limits of the Madurai Corporation, the third respondent through his communication in Na.Ka.No.72/2020/E3 dated 20.06.2020, requested the first respondent – Corporation Commissioner, Madurai, to take appropriate steps for removal of the encroachment in the said road, but the same, according to the learned counsel for the petitioner, is not acted upon.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the respondents 1 to 3 to consider and dispose of his representation dated 03.07.2021, on merits and in accordance with law, within a time frame.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of



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the Writ Petition, this Writ Petition is disposed of with a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 03.07.2021 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, fourth respondent and all other parties concerned, necessary action has to be taken by the authorities for removal of 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 eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
27.10.2022

Internet : Yes / No
Index : Yes / No
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