



W.P(MD)No.15183 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.15183 of 2022

D.Lawrence

...Petitioner

-Vs-

1.The Commissioner,
Tuticorin Municipality,
Tuticorin.

2.M.R.Kanagaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to take all such measures for the removal of the encroachment by the construction of a Temple made by the second respondent over the public street namely 60 feet Main road running East to West in the State Bank Colony Main Road, Tuticorin by follow up of his proceedings in Rc.No.G3 5650/07 dated 24.04.2007 and complete the same within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.Jessi Jeeva Priya

For R1 : Mr.N.Ananda Kumar
Standing Counsel

ORDER



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

This Writ Petition is filed for issuance of Writ of Mandamus, directing the first respondent herein to take all such measures for the removal of the encroachment by the construction of a Temple made by the second respondent over the public street namely 60 feet Main road running East to West in the State Bank Colony Main Road, Tuticorin by follow up of his proceedings in Rc.No.G3 5650/07 dated 24.04.2007 and complete the same within a time frame as may be fixed by this Court.

2. Earlier, the petitioner filed a writ petition in W.P(MD)No. 9892 of 2007 for the very same relief and this Court disposed of the said writ petition with the following directions:-

It is seen from the communication sent by the Commissioner, Tuticorin Municipality, the first respondent herein, dated 24.04.2007 that steps are being taken to remove the encroachments in the form of construction of a temple in the road. The petitioner once again wrote a letter to the proceedings, on 11.05.2007 under Right to Information Act seeking further information thereon, for which a reply was also made by



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the Superintendent of Police, Tuticorin District that further construction in the encroachment area was also prevented.

2.Considering the communication thus made, this Court feels that it is suffice to direct the Commissioner, Tuticorin Municipality to take action in accordance with law, if so far no action has been taken as promised in the said letter, to remove the encroachments.

The petitioner cannot file a second writ petition. This Court is unable to find fresh cause of action or change of circumstances to come forward with the same prayer. It is open to the petitioner to prosecute the first respondent for contempt, if he is so advised.

3.With the liberty as indicated above, this Writ Petition is dismissed. No costs.

(S.S.S.R., J.) & (S.S.Y., J.)
18.07.2022

Index : Yes / No
Internet : Yes / No



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AND

S.SRIMATHY, J.

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ORDER MADE IN

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