



W.P(MD) No.17827 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

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

W.P.(MD) No.17827 of 2021

H.Pushpavanam

... Petitioner

-VS-

1. The Commissioner,
Madurai Corporation, Madurai.

2. The Deputy Commissioner,
Madurai Corporation, Madurai.

3. The Administrator,
Sri Valliamman Temple,
Pandiarajan Street,
Ellis Nagar, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, direct the respondents to remove the encroachments by the third respondent's mandapam, in the Pandiyarajan road and the encroachment in the continuation in the Gandhiji colony road behind the Pandiarajan Street in Survey No.6/1B and respondents to lay road, street lights and other amenities by the respondent within a time frame.



W.P(MD) No.17827 of 2021

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R1
No appearance for R2 and R3

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 respondents to remove the encroachments made by the third respondent in Pandiyarajan road, in continuation of the Gandhiji colony road behind Pandiarajan Street in Survey No.6/1B and to lay road, street lights and other amenities by the respondents, within a time frame.

2. Pointing out that the third respondent has constructed a temple and a Mandapam on the public road in Survey No.6/1B, Ponmeni Village, Ellis Nagar, Madurai and thereby preventing free ingress and egress to the petitioner's and his neighbor's house, the petitioner submitted a representation dated 03.08.2019, to the first respondent and the same, according to learned counsel for the petitioner, is unattended. He further submitted that the acquisition proceedings in respect of the



W.P(MD) No.17827 of 2021

lands in question were already quashed by this Court *vide* order dated 04.09.1997, passed in W.P(MD) No.3102 of 1986 and therefore, the petitioner would be satisfied if a direction is issued to the respondents 1 and 2, to consider the representation of the petitioner dated 03.08.2019, in the light of the order dated 04.09.1997, in accordance with law and within a time frame.

3. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 and 2, to consider and dispose of the representation of the petitioner dated 03.08.2019 by taking into consideration the order dated 04.09.1997, on merits and in accordance with law, after affording sufficient opportunity to the third respondent and all other parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
24.11.2022

Index : Yes / No
Internet : Yes / No
pkn



WEB COPY



W.P(MD) No.17827 of 2021

To:

1. The Commissioner,
Madurai Corporation, Madurai.
2. The Deputy Commissioner,
Madurai Corporation, Madurai.



WEB COPY



W.P.(MD) No.17827 of 2021

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

pkn

W.P.(MD) No.17827 of 2021

24.11.2022