



W.P.(MD) No.21133 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2022

CORAM:

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

W.P.(MD) No.21133 of 2022

and

W.M.P.(MD) No.15341 of 2022

1.P.Srinivasan

2.S.Ragunathan

... Petitioners

-VS-

1.The Commissioner
Tiruchirappalli City
Municipal Corporation
Kamarajar Salai
Tiruchirappalli-620 001

2.The Assistant Commissioner
Ponmalai Zone
Tiruchirappalli City Municipal Corporation
TVS Tolgate, Opp to Circuit House
Tiruchirappalli-620 020
Pudukkottai-622 004

3.B.Jeyanthi

4.C.Pandi Lingam

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5.B.Balasubramaniyan

6.B.Rajeshkumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to consider the petitioners' representation dated 17.06.2022 for the removal of unauthorised and illegal construction put up in S.F.No.74/1A situated at Agaram Village, Thiruverambur Taluk, Tiruchirappalli District, admeasuring to an extent of 1200 sq.ft., belonging to the first respondent and to evict the encroachers from the property comprised in T.S.No.16/2B admeasuring to an extent of 400 sq.ft.

For Petitioners : Mr.Prasanna Vinoth.B.

For Respondents : Mr.R.Baskaran
Standing Counsel for R1 & R2
R3 to R6 – Dispensed with

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Mr.R.Baskaran, learned Standing Counsel, takes notice for the respondents 1 and 2.



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2. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioners, notice to the private respondents is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus to direct the respondents 1 and 2 to consider the petitioners' representation dated 17.06.2022 for removal of the unauthorised and illegal construction put up in S.F.No.74/1A situated at Agaram Village, Thiruverambur Taluk, Tiruchirappalli District, measuring an extent of 1200 sq.ft., belonging to the first respondent and to evict the encroachers from the property comprised in T.S.No.16/2B measuring an extent of 400 sq.ft..

5. The learned counsel appearing for the petitioners submits that it would be suffice if the representation of the petitioners is disposed of on merits and in accordance with law, within a time stipulated by this Court.



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6. The learned Standing Counsel appearing for the respondents 1 and 2 has no objection in considering the request of the petitioners.

7. In view of the above, without going into the merits of the claim made by the petitioners, the respondents 1 and 2 are directed to consider the petitioners' representation dated 17.06.2022 and pass appropriate orders, on merits and in accordance with law, after giving due notice to all the parties concerned, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the respondents 1 and 2, who should pass orders depending upon the facts and circumstances of the case.

8. 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.]

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Index : Yes / No
Internet : Yes / No

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