



W.P.(MD) No.21530 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21530 of 2022

D.Kalimuthu

... Petitioner

-Vs-

- 1.The Commissioner,
Corporation of Madurai,
Madurai.
- 2.The Assistant Commissioner,
Corporation of Madurai,
Zone-I, Madurai.
- 3.The Assistant Engineer,
Corporation of Madurai,
Ward No.20, Zone-I, Madurai.

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4.The Sub Inspector of Town Survey,
Corporation of Madurai,
Zone-I, Madurai.

5.The Commissioner of Police,
Madurai City, Madurai.

6.The Inspector of Police,
S.S.Colony Police Station,
Madurai-625 010.

7.Rajammal

8.Azhagar

9.Malar

10.Siva

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to forthwith remove the encroachment made by the respondents 7 to 10 herein in T.S.No.40 in Ward No.XXIII, Zone-I of Madurai Corporation, as per the survey conducted on 20.07.2021 and on 21.09.2021 and survey report submitted to the 2nd respondent herein recommending removal of encroachment in accordance with law, within a reasonable time as may be fixed by this Court.

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For Petitioner : Mr.V.Pandiyan
For R1 to R3 : Mr.S.Vinayak, Standing Counsel
For R4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R5 and R6 : Mr.T.Senthil Kumar,
Additional Public Prosecutor
For R7 to R10 : Mr.V.R.Shanmuganahtan

ORDER

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

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the respondents 1 to 5 to remove the encroachment made by the respondents 7 to 10 in T.S.No.40 in Ward No.XXIII, Zone-I of Madurai Corporation, as per the survey conducted on 20.07.2021 and on 21.09.2021 and survey report submitted to the 2nd respondent, recommending removal of encroachment in accordance with law, within a time frame.

2.Today, when the matter was taken up for hearing, the learned counsel for the respondents 7 to 10 submitted the additional typed set of papers before this Court and submitted that the 8th respondent made a representation dated

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04.05.2022 to the District Collector, Madurai, to conduct a survey and demarcate his property. Upon receipt of the same, the survey was conducted by the competent authorities and a report is yet to be submitted to the 3rd respondent.

3.The learned Standing Counsel for the respondents 1 to 3 submitted that after receiving the survey report from the authorities concerned, if there is any encroachment in the place in question, appropriate action would be taken for removal of the same, after affording sufficient opportunity to all the parties concerned and by following due process of law, for which the learned counsel for the petitioner is agreeable.

4.In view of the above, without going into the merits of the case, we direct the respondents 1 to 3, upon receipt of the survey report if there is any encroachment in the place in question, to remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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5. With the above direction, this Writ Petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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To

1. The Sub Inspector of Town Survey,
Corporation of Madurai,
Zone-I, Madurai.
2. The Commissioner of Police,
Madurai City, Madurai.
3. The Inspector of Police,
S.S.Colony Police Station,
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