



W.P.(MD)No.22528 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

WEB COPY

CORAM

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

W.P(MD)No.22528 of 2022

M.Krishnan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Madurai West,
Madurai District.
- 3.The Block Development Officer,
Thirupparankundram,
Madurai West,
Madurai District.
- 4.The Superintendent of Police,
Madurai Rural,
Madurai District.
- 5.The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai.
- 6.The President,
Achampattu Panchayat Union,
Madurai District.



W.P.(MD)No.22528 of 2022

7.Rathinam

8.Pennypaul

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 herein to forthwith remove the encroachment made by the 8th respondent in public passage at Kandasamy Street, Sri Mappillai Vinayagar Nagar Achampattu Panchayat, Madurai as per the representation dated 5.8.2022 within a reasonable time fixed by this Honble Court.

For Petitioner

: Mr.V.Pandiyan

For Respondents 1 to 3

: Mr.N.GA.Nataraj
Government Advocate

For Respondents 4 & 5

: Mr.T.Senthil Kumar
Additional Public Prosecutor

* * *

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 to 6 herein to forthwith remove the encroachment made by the 8th respondent in public passage at Kandasamy Street, Sri Mappillai Vinayagar Nagar Achampattu Panchayat, Madurai, as per his representation dated 05.08.2022 within a time frame.



W.P.(MD)No.22528 of 2022

2. Heard Mr.V.Pandiyan, learned counsel for the petitioner, Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 4 and 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 6 to 8 is dispensed with.

4. Claiming that the 40 feet Kandasamy Road is the main passage for the residents of Sri Mappillai Vinayagar Nagar and the 8th respondent is trying to encroach the said 40 feet road by erecting compound wall, the petitioner submitted a representation dated 04.08.2022, to the official respondents and pursuant to the same, the third respondent – Block Development Officer has sent a communication to the second respondent - Tahsildar to carry out a survey so as to remove the encroachment and the same, according to the learned counsel for the petitioner, remains as such.



W.P.(MD)No.22528 of 2022

5. Considering the facts and circumstances of the

case and the submissions of the learned counsel on either side, this Court directs the 2nd respondent to proceed further pursuant to the communication of the 3rd respondent vide his proceedings in Na.Ka.No.2043/2021/Thi2, dated 26.08.2022, after issuing notice and conducting survey in the presence of the petitioner, respondents 7 & 8 and any other parties concerned and take necessary action for removal of encroachment, if any, in the public passage at Kandasamy Street, Sri Mappillai Vinayagar Nagar Achampattu Panchayat, Madurai, after affording an opportunity of personal hearing to the petitioner, respondents 7 & 8 and any other 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.]
26.09.2022

Internet : Yes / No

Index : Yes / No

sj



W.P.(MD)No.22528 of 2022

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Madurai West,
Madurai District.
- 3.The Block Development Officer,
Thirupparankundram,
Madurai West,
Madurai District.
- 4.The Superintendent of Police,
Madurai Rural,
Madurai District.
- 5.The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai.



WEB COPY



W.P.(MD)No.22528 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

W.P(MD)No.22528 of 2022

26.09.2022