

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2022

CORAM

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

W.P(MD)No.22782 of 2022

Elephant G.Rajendran

... Petitioner

Vs.

1.The Commissioner,
Kumbakonam Municipality,
Kumbakonam.

2.The Executive Engineer,
Water Resources,
Public Works Department (PWD),
Kumbakonam.

3.The Superintending Engineer,
Public Works Department,
Lower Cauvery Basin Circle,
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents herein to remove the encroachments made in the 3 (three) meter width cement road in T.S.No.4 in Block-1, Ward No.4 of the Kumbakonam Municipality within a time that may be fixed by this Honourable Court.

For Petitioner : Mr.Elephant G.Rajendran
Party-in-person

For 1st Respondent : Mr.M.Rajaram
Standing Counsel

For Respondents 2 & 3 : Mr.S.P.Maharajan
Special Government Pleader

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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 herein to remove the encroachments made in the 3 (three) meter width cement road in T.S.No.4 in Block – 1, Ward No.4 of the Kumbakonam Municipality within a time frame.

2. Heard Mr.Elephant G.Rajendran, party-in-person, Mr.M.Rajaram, learned Standing Counsel, who accepts notice on behalf of the first respondent and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 2 and 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Claiming that the respondents 1 and 2 tried to lay 3 (three) meter width cement road in T.S.No.4 in Block – 1, Ward No.4 of the Kumbakonam Municipality and knowing the encroachments, the contractor abandoned the laying of cement road, the petitioner submitted a representation to the official respondents on 14.12.2021 to lay the 3 meter cement road and pursuant to the same, the second respondent – Executive Engineer through his communication in Letter No.868/2021/Ko.25/ dated 17.12.2021, addressed to the first respondent – Commissioner, Kumbakonam Municipality, requested him to conduct survey and to send a report identifying the encroachments so as to remove the same, which, according to the learned counsel for the petitioner, is not acted upon.

4. Considering the submissions made by the learned counsel on either side, this writ petition is disposed of with a direction to the first respondent to conduct survey after issuing notice to all the parties concerned and send the survey report to the second respondent as expeditiously as possible and thereafter, the second respondent is directed to take necessary action for removal of the encroachments on the left side of Arasalaru, Pettai

Salaikkara Street, Dharasuram in T.S.No.4 in Block – 1, Ward No.4 of the Kumbakonam Municipality, after affording an opportunity of hearing to the petitioner and all the 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.]
28.09.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The Executive Engineer,
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Public Works Department (PWD),
Kumbakonam.
- 2.The Superintending Engineer,
Public Works Department,
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Thanjavur.

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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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