



W.P.(MD) No.22452 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22452 of 2018

and

W.M.P.(MD)No.20314 of 2018

S.Karunaboopathy

... Petitioner

-Vs-

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Commissioner,
Corporation of Madurai,
Madurai.
- 3.The Town Planning Officer,
First Floor, Corporation Building,
Corporation of Madurai, Madurai.

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4.The Thasildar,
Madurai North, Madurai.

5.K.P.Vargeesh

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to preserve the public road situated at T.S.No.182, Deputy Collector Colony 2nd Street, Madurai without any encroachments by considering the petitioner's representation dated 17.10.2018.

For Petitioner	: Mr.R.V.Rajkumar
For R1 & R4	: Mr.P.Thilak Kumar
	Government Pleader
For R2	: Mr.N.Shanmuga Selvam
For R3	: Mr.T.S.Mohammed Mohideen
For R5	: Mr.R.J.Karthick

ORDER

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

This Writ Petition has been filed, seeking a direction to the respondents 1 to 4 to preserve the public road situated at T.S.No.182, Deputy

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Collector Colony 2nd Street, Madurai, without any encroachment, by considering the petitioner's representation dated 17.10.2018.

2. According to the petitioner, the 5th respondent has encroached the public road in T.S.No.182. Hence, pointing out the said encroachment, the petitioner has made a representation dated 17.10.2018 to the respondents. However, the same was not considered. Hence, this Writ Petition.

3. The learned counsel for the 5th respondent has stoutly refuted the contentions of the petitioner and stated that the property in dispute is nothing but a patta land. He has also submitted that a revenue appeal in this regard is also pending consideration before the Revenue Divisional Officer, Madurai, wherein the petitioner is also a party.

4. In view of the above said submission, without going into the merits of the claim made by the petitioner, we direct the authorities concerned to consider the representation of the petitioner dated 17.10.2018 as well as the



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revenue appeal stated to be pending and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question as alleged by the petitioner, the authorities concerned shall remove the same, after giving opportunity of hearing to all the parties concerned and by due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

11.10.2022

Index : Yes / No

Internet : Yes / No

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Madurai North, Madurai.



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