



W.P.(MD) No.24814 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.24814 of 2022

S.Aruljothi

... Petitioner

-Vs-

1.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi, Thoothukudi District.

2.The District Collector,
Thoothukudi, Thoothukudi District.

3.The Executive Engineer,
Thoothukudi City Municipal Corporation,
Thoothukudi, Thoothukudi District.

4.Sivaperumal

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to remove the encroachment made by the 4th respondent in S.No.459/B2C, 458/2C, Kamarajar Nagar, Meelavittan Village, Thoothukudi-8 by considering the petitioner's representation dated 27.12.2021.

For Petitioners : Mr.N.Pragalathan
For R1 and R3 : Mr.N.Anandha Kumar,
Standing Counsel
For R2 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

This Writ Petition has been filed seeking a Writ of Mandamus, directing the 1st respondent to remove the encroachment made by the 4th respondent in S.No.459/B2C, 458/2C, Kamarajar Nagar, Meelavittan Village, Thoothukudi-8, by considering the petitioner's representation dated 27.12.2021.



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2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.N.Ananda Kumar, learned Standing Counsel takes notice forh te respondents 1 and 3 and Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the 2nd respondent. Considering the nature of the order proposed to be passed, notice to the 4th respondent is dispensed with.

4.Today, when the matter was taken up for hearing, the learned Standing Counsel appearing for the respondents 1 and 3, on instructions, fairly submitted that there are some encroachments in the place in question and the petitioner is also one of the encroachers and hence, appropriate action would be taken for removal of encroachments, by due process of law within a time frame.

5.Recording the aforesaid submission made by the learned Standing Counsel, this Writ Petition stands disposed of, directing the 1st respondent to

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remove the encroachments in the place in question, 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. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
01.11.2022

Index : Yes / No

Internet : Yes / No

Myr

To

1.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi, Thoothukudi District.

2.The District Collector,
Thoothukudi, Thoothukudi District.

3.The Executive Engineer,
Thoothukudi City Municipal Corporation,
Thoothukudi, Thoothukudi District.

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