



W.P(MD) No.22866 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2022

CORAM:

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

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P.Sakthivel

... Petitioner

-VS-

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Thirumangalam, Madurai District,
Madurai.

4.The Commissioner of Municipality,
Tirumangalam Municipality,
Tirumangalam.

... 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 remove the encroachments in the public pathway in T.S.No.185, Valaiyalkara Street commencing from Usilampatti Road situated in Ward C, Block 11 of Thirumangalam Municipality and consequently to direct the fourth respondent to shift the street vendors to the allotted place.



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For Petitioner : Mr.N.Ananthapadmanabhan

For Respondent : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader,
for R1 to R3

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this writ petition is for issuance of a writ of mandamus to direct the respondents 1 to 4 to remove the encroachments in the public pathway in T.S.No.185, Valaiyalkara Street, commencing from Usilampatti Road, situated in Ward C, Block 11 of Thirumangalam Municipality and direct the fourth respondent to shift the street vendors to the allotted place.

2. The learned counsel appearing for the petitioner submits that it would be suffice if the representation of the petitioner is disposed of on merits and in accordance with law, within a time stipulated by this Court.

3. Since the petitioner has restricted his relief only to dispose of his representation, notice to the fourth respondent is dispensed with. The learned Government Advocate appearing for the respondents 1 to 3 has no objection in considering the request of the petitioner.



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4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 3 are directed to consider the petitioner's representation dated 03.06.2016 and pass appropriate orders, on merits and in accordance with law, after giving due notice to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the respondents 1 to 3, who should pass orders depending upon the facts and circumstances of the case.

5. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]
09.09.2022

Index : Yes / No
Internet : Yes / No
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and
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