



W.P.(MD) No.24836 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.24836 of 2022

R.Siva

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner,
Trichy Corporation,
Trichy District.

3.Rajavalli

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 and 2 to remove the encroachment made by the 3rd respondent in Old S.F.No.69/1A, Town S.F.No.7 situated at Woraiyur Housing Board, Trichy Town, Trichy, which is a public road and Town S.F.No.83 Water Channel, based on the representation of the petitioner dated 30.09.2022.

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For Petitioner : Mr.B.Prasanna Vinoth
For R1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.
For R2 : Mr.R.Baskaran,
Standing Counsel

ORDER

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

This Writ Petition has been filed, seeking a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the 3rd respondent in a public road in Old S.F.No.69/1A, Town S.F.No.7 situated at Woraiyur Housing Board, Trichy Town, Trichy and a water channel in Town S.F.No.83, based on the representation of the petitioner dated 30.09.2022.

2. Heard Mr.B.Prasanna Vinoth, learned counsel appearing for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the 1st respondent and Mr.R.Baskaran, learned Standing

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Counsel, who takes notice for the 2nd respondent. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the 3rd respondent is dispensed with.

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

4. It is the claim of the petitioner that the third respondent has encroached the public road and water channel in the aforesaid survey numbers and in this regard, the petitioner made a representation on 30.09.2022, seeking for removal of the aforesaid encroachment. However, till date, the respondents have not taken any steps to remove the encroachment. Hence, the petitioner has filed this Writ Petition.

5. The learned Additional Government Pleader appearing for the first respondent has produced a report of the Sub Inspector of Survey, Abishekapuram Zone, City Corporation, Tiruchirappalli, dated 29.10.2022,

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wherein the encroachment made by the third respondent in the place in question is specifically stated. He further submitted that necessary action will be taken to remove the said encroachment within a time frame and he also seeks for a direction to provide police protection for removal of such encroachment.

6. Recording the above submission, this Writ Petition is disposed of with a direction to authorities concerned to remove the encroachment in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law. The Assistant Commissioner of Police, Thillai Nagar, is directed to give necessary police protection for removal of such encroachment. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
02.11.2022

Index : Yes / No
Internet : Yes / No
VSM

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To

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Trichy District, Trichy.
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Trichy Corporation,
Trichy District.



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