



W.P.(MD) No.25057 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

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Anitha Sabatini

... Petitioner

-VS-

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.
- 3.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.
- 4.The Divisional Engineer,
Highways (Construction and Maintenance) Department,
Dindigul.



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5.The Assistant Engineer,
Highways (Construction and Maintenance) Department,
Dindigul.

6.Balanaga

7.Kanagu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to remove the encroachments made on the public road in T.S.No.1824, Ward No.VI, Block No. 19, R.S Road, Mangalapuram, Dindigul Town, by considering the petitioner's representation, dated 18.07.2022 within the time stipulated by this Court.

For Petitioner : Mr.A.Ajith Prakash

For RR 1, 2, 4 & 5 : Mr.S.P.Maharajan
Special Government Pleader

For R – 3 : Mr.M.Thirunavaukkarasu



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ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Anitha Sabatini, W/o.T.Sivakumar, having permanent residence at Dindigul Town, has come to this Court for issuance of a writ of Mandamus under Article 226 of the Constitution of India to direct the respondents 1 to 5 to remove the encroachments made in the public road in T.S.No.1824, Ward No.VI, Block No.19, R.S Road, Mangalapuram, Dindigul Town.

2. Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1, 2, 4 and 5 and Mr.M.Thirunavaukkarasu, learned counsel, takes notice for the third respondent.

3. Learned counsel appearing for the petitioner submitted that the respondents 6 and 7 have encroached the public road in front of the petitioner's building, which is under the control of the respondents 4 and 5, viz., the Highways Department. Hence, the petitioner made a representation, dated



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18.07.2022 to the respondents 1, 2, 4 & 5 seeking for removal of the said encroachment. Since, the said representation has not evoked any response, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondents 1, 2, 4 and 5 submitted that the land in question, does not belong to them, but belongs to the third respondent. He further submitted that the representation of the petitioner, dated 18.07.2022 has been forwarded to the third respondent.

5. The learned counsel appearing for the third respondent submitted that as the allegation made by the petitioner appears to be serious and the public road has been encroached by the respondents 6 and 7, the representation of the petitioner, dated 18.07.2022, which was forwarded by the respondents 1, 2, 4 and 5, will be considered and if any encroachment is found as alleged by the petitioner, the same will be removed by following due process of law.



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6. Recording the said submission, this Writ Petition is disposed of directing the third respondent to consider and dispose of the representation of the petitioner, dated 18.07.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as alleged by the petitioner, the same shall be removed by the third respondent, after affording sufficient opportunity to all the parties concerned including the respondents 6 and 7 and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[T.R., A.C.J.] [R.M.D., J.]
03.11.2022

Index : Yes / No
Internet : Yes / No
ps/vsm



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