



W.P.(MD)No.26127 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2022

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

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R.Kulothungan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

3.The Assistant Director,
Town and Country Planning Department,
Dindigul District.

4.M.B.S.Senthilkumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondent No.2 to take immediate action to restore the 23 Ft. East - West Public Road situated on the Eastern side of T.S.No.68/2, Block No.4 and Ward No.6 at Rajalakshmi Nagar, Dindigul Town and to complete the laying of Tar Road on the basis of the petitioner's representations dated 17.05.2022 and 08.08.2022.



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For Petitioner : Mr.A.Ajith Prakash
For Respondents 1 & 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For 2nd Respondent : Mr.M.Thirunavukkarasu
Standing Counsel

* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the 2nd respondent to take immediate action to restore the 23 Ft. East - West Public Road, situated on the Eastern side of T.S.No.68/2, Block No.4 and Ward No.6 at Rajalakshmi Nagar, Dindigul Town, and to complete the laying of Tar Road on the basis of his representations dated 17.05.2022 and 08.08.2022.

2. Heard Mr.A.Ajith Prakash, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 3 and Mr.M.Thirunavukkarasu, learned Standing Counsel, who accepts notice on behalf of the 2nd respondent. By consent of both



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parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4th respondent is dispensed with.

4. Alleging that the 4th respondent has made encroachment in the 23 Ft. East - West Public Road, situated on the Eastern side of T.S.No.68/2, Block No.4 and Ward No.6 at Rajalakshmi Nagar, Dindigul Town, and based on his representation dated 17.05.2022, though the 2nd respondent by his proceedings in Na.Ka.No.4227/2021/F2, dated 27.06.2022, questioned the 4th respondent, on what basis he obtained the plan approval by showing the area earmarked as road area as an area meant for public purposes and directed him to produce necessary document, till date, no action is taken to remove the encroachment and to lay the load, the petitioner submitted a representation dated 08.08.2022 to the respondents and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.



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5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the second respondent to dispose of his representation dated 08.08.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 08.08.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the 4th respondent and any other parties concerned, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve



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weeks from the date of receipt of a copy of this order. No costs.

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[R.M.D., J.] [J.S.N.P., J.]
18.11.2022

Internet : Yes / No

Index : Yes / No

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To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Director,
Town and Country Planning Department,
Dindigul District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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