



W.P.(MD) No.26883 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.26883 of 2022

Senthilkumar

... Petitioner

Vs.

**1.The Commissioner,
Trichy Municipal Corporation,
Trichy.**

**2.The Assistant Commissioner,
Co-Abhisekapuram Division,
Trichy Municipal Corporation,
Trichy.**

3.M.Jeeva

4.M.Vijaykumar

5.M.Jothi

6.M.Subbulakshmi

7.M.Saraswathi

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8.T.Aishwarya

9.T.Dhamodaran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the illegal encroachments made by the respondents 3 to 9 in the public street comprised in T.S.No.254, Ward A1, Block No.28 popularly called Sri Selva Vinayagar Kovil Street in the light of the report given by the Surveyor dated 20.10.2022 to the 2nd respondent within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.R.Baskaran
Standing Counsel for R1 & R2

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the illegal encroachments made by the respondents 3 to 9 in the public street comprised in T.S.No.254, Ward A1, Block No.28, popularly called “Sri Selva Vinayagar Kovil Street”, in



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the light of the report given by the Surveyor dated 20.10.2022, to the 2nd respondent, within a time frame.

2. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel, who takes notice for the respondents 1 and 2. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 3 to 9 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 respondents 3 to 9 have made the aforesaid encroachment in the place in question and in this regard, the petitioner made a representation on 10.11.2020 to the first respondent, seeking for removal of the aforesaid encroachment. On receipt of such representation, the 2nd respondent, directed the Surveyor to conduct a proper survey in the place in question and submit a report to him. Pursuant thereto, the Sub Inspector of



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Survey, after conducting survey, has submitted his report dated 20.10.2022, to the 2nd respondent, stating that the respondents 3 to 9 have made encroachments in the place in question, as projected by the petitioner and recommended to take action for removal of such encroachments. However, till date, no action has been taken by the respondents to remove the said encroachment and hence, the petitioner has filed this Writ Petition.

5. The learned Standing Counsel appearing for the respondents 1 and 2 submitted that the representation of the petitioner dated 10.11.2020 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question for which, the learned counsel for the petitioner is agreeable.

6. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the petitioner's representation dated 10.11.2020, in the light of the Surveyor's report dated 20.10.2022, on merits and in accordance with law. If there is any encroachment



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in the place in question, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. 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.]

29.11.2022

vsm

To

- 1.The Commissioner,
Trichy Municipal Corporation,
Trichy.
- 2.The Assistant Commissioner,
Co-Abhisekapuram Division,
Trichy Municipal Corporation,
Trichy.



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