



W.P.(MD) No.27315 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27315 of 2022

and

W.M.P.(MD)No.21430 of 2022

B.Thirumurthy

... Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Madurai-625 020.
- 2.The Commissioner,
Madurai Municipal Corporation,
Madurai-625 002.
- 3.The Senior Town Planning Officer,
Town Planning Section,
Madurai Corporation, Madurai-625 002.

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4.The Superintending Engineer,
TANGEDCO, K.Pudur,
Madurai-625 007.

5.The Assistant Executive Engineer,
TANGEDCO, Pasumalai Section,
Madurai.

6.The Commissioner of Police,
Alagar Kovil Road, Madurai City,
Madurai.

7.The Inspector of Police,
C-2 Subramaniyapuram Police Station,
Subramaniyapuram, Madurai-625 007.

8.S.Girija

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment made by the 8th respondent in 14 feet common pathway (Tenvadal Road) in S.No.104/1, Srinivasa Road Extension, (Satya Sai Nagar), TVS Nagar, Madurai thereby preventing 8th respondent from making any unauthorized

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constructions in the said common pathway by considering the petitioner's representation dated 27.11.2022 within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran
For R1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R2 & R3 : Mrs.S.Devasena
For R4 & R5 : Mr.S.Deenadhayalan
For R6 & R7 : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

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

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment made by the 8th respondent in 14 feet common pathway (Tenvadal Road) in S.No.104/1, Srinivasa Road Extension, (Satya Sai Nagar), TVS Nagar, Madurai, thereby preventing the 8th respondent from making any unauthorized constructions in the said common pathway by considering the petitioner's representation dated 27.11.2022 within a time frame.

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2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the 1st respondent, Mrs.S.Devasena, learned counsel takes notice for the respondents 2 and 3, Mr.S.Deenadhayalan, learned counsel takes notice for the respondents 4 and 5 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the respondents 6 and 7. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 8th 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.Pointing out the aforesaid encroachment made by the 8th respondent, the petitioner made a representation dated 27.11.2022 to the official respondents seeking removal of the same. Finding inaction on the part of the official respondents, the petitioner has filed this Writ Petition.

5.The learned counsel for the respondents 2 and 3, on instructions, submitted that the representation of the petitioner dated 27.11.2022 would be

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considered on merits and in accordance with law and appropriate action would be taken for removal of the encroachment, by following due process of law, within a time frame.

6.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 27.11.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same would be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]
01.12.2022

Index : Yes / No

Internet : Yes / No

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Note: Issue Order copy on 02.12.2022.

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R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

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To

- 1.The District Collector,
Office of the District Collector,
Madurai-625 020.
- 2.The Commissioner of Police,
Alagar Kovil Road, Madurai City,
Madurai.
- 3.The Inspector of Police,
C-2 Subramaniyapuram Police Station,
Subramaniyapuram, Madurai-625 007.

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