



W.P(MD) No.27491 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

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

W.P.(MD) No.27491 of 2022

M.Shajahan

... Petitioner

-VS-

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Melur Taluk, Madurai District.

3. The Commissioner,
Melur Municipality, Melur,
Madurai District.

4. S.P.Sethu

5. Kamatchidoss

6. Vennila

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachments made by the respondents 4 to 6 on the Road in



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T.S.No. 65 (Old Survey No. 207/4A), Block No. 26, Ward A, Pandiyan Nagar, Melur Town, Madurai District, on the basis of the petitioner's representation dated 15.06.2022, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R1 to R3

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 respondents 1 to 3, to remove the encroachments made by the respondents 4 to 6, on the public road in T.S.No. 65, Block No. 26, Ward A, Pandiyan Nagar, Melur Town, Madurai District, on the basis of his representation dated 15.06.2022, within a time frame.

2. Heard Mr.J.Lawrance, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, appearing for the respondents 1 to 3.



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3. Pointing out that the respondents 4 to 6 have encroached upon a public road in T.S.No. 65, Block No. 26, Ward - A, Pandiyan Nagar, Melur Town, Madurai District, by putting up sheds and other structures and thereby obstructing free movement of vehicles on the aforesaid road, the petitioner submitted a representation to the official respondents on 15.06.2022 and the same, according to learned counsel for the petitioner, is unattended. He also submitted that by judgment and decree in O.S.No. 157 of 2002, dated 06.09.2005, which was confirmed in A.S.No.97 of 2009, dated 26.07.2011, the fourth respondent was restrained from in any manner encroaching the aforesaid road and therefore, it is suffice if a direction is issued to the respondents 1 to 3, to consider the representation of the petitioner dated 15.06.2022, in the light of the aforesaid judgment and decree, within a time frame.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 3, to consider the representation of the petitioner dated 15.06.2022 by taking note of the judgment and decree made in O.S.No.



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157 of 2002, dated 06.09.2005, as confirmed in A.S.No.97 of 2009, dated 26.07.2011, and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same after affording sufficient opportunity to the respondents 4 to 6 and all other parties and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
02.12.2022

Index : Yes / No
Internet : Yes / No
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