



W.P.(MD) No.18225 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

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

W.P.(MD) No.18225 of 2017

D.Kumaresan

... Petitioner

-vs-

1.The District Collector
Madurai District

2.The Commissioner
Madurai Corporation
Madurai

3.The Secretary
No.A1929, Tirunagar Housing
Construction Co-operative Society
Tirunagar 3rd Bus Stop
Near Seethalakshmi Higher Secondary School
Tirunagar, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the encroachment made in the 20 ft road situated on the north of the petitioner's house plot



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WEB C No.RRC36, Chitrakala Colony in Tirunagar, by disposing his representation dated 14.09.2017.

For Petitioner : Mr.R.Suryanarayanan

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1
Mr.T.S.Mohamed Mohideen
Standing Counsel for R2
Mr.T.Vadivelan for R3

ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents to remove the encroachment made in 20 feet road, situated on the northern side of the petitioner's house in plot No.RRC36, Chitrakala Colony, Tirunagar, based on his representation dated 14.09.2017.

2. The Commissioner, Madurai Corporation / second respondent has filed a counter affidavit, wherein, at Paragraph No.5, he has stated as follows:



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“5.The Thiruparankundaram Panchayat got amalgamated with Madurai Corporation in the year 2011. As per the Town Surveyor report that land in Survey No.633/8, Plot No.113/1, Natham Rayath area 2.19.0 is recorded in Patta No.3545 there is no road. In the same place the godown is being run. There is no town survey records as of now. The petitioner has to resolve his dispute with third respondent, who has alleged to have given assurance in respect of the road for the petitioner through details.”

3. Recording the above averments of the counter affidavit and leaving it open to the petitioner to agitate his civil right against the third respondent before the competent Civil Court in the manner known to law, the writ petition is closed. No costs.

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

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Index : Yes / No
Internet : Yes / No

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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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To:
The District Collector,
Madurai District.

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