



WP No.21601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.21601 of 2023
and WMP Nos.20972 and 20974 of 2023

S.Abdun Nisha

... Petitioner

-VS-

1. The Sub Collector,
Tiruppur, Tiruppur District.
2. The Tahsildar,
Tiruppur North Taluk,
Tiruppur District.
3. The Asst. Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur, Tiruppur District 641 604.
4. N.Srijayanthi
5. Noushad Ali

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to impugned order in Na.ka.E1/824/2022/Ma4 dated 20.04.2022 passed by the 3rd respondent herein and quash the same



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as illegal, arbitrary, unconstitutional and consequently direct the 1st respondent to conduct afresh enquiry and pass appropriate orders on the representation dated 05.10.2022 made by the petitioner herein to remove the encroachments made in 4 feet common pathway made by the 4th respondent herein situated in Old T.S.No.598/16/1, New Ward No.46, Royapuram West Street, Thottipalayam Village, Tiruppur North Taluk, Tiruppur District.

For the Petitioner : Mr.T.Sundaravadanam

For the Respondents : Mrs.R.Anitha,
Special Government Pleader,
for RR 1 and 2

: Mr.S.Silambannan
Addl. Advocate General
assisted by Mr.Abishekmurthy
for R-3

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.T.Sundaravadanam, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.1 and 2 and Mr.S.Silambannan, learned Additional Advocate General for respondent No.3



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2. The contention of the petitioner is that the respondent No.4 has encroached on the public street and has carried out unauthorised construction.

3. We do not have any record to suggest that the public pathway of 4 feet existed. As per the third respondent, there is no gift deed nor any sanctioned layout showing the four feet passage.

4. In case there is no authentic record about the passage, it is for the petitioner to take appropriate steps before the appropriate forum.

5. As far as the construction is concerned, the third respondent has stated that the third respondent has granted building approval for 633.46 sq.ft. The learned Additional Advocate General appearing for the third respondent submits that respondent No.3 would conduct a survey and if the construction is more than the permission granted, action in accordance with law would be undertaken.



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In view of the said statement, the writ petition is disposed of.
There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra

To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(sra)

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