



*W.P. No. 9636 of 2019*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 15.12.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE S. VAIDYANATHAN**

**AND**

**THE HON'BLE MR.JUSTICE K. RAJASEKAR**

**W.P. No.9636 of 2019**

**G. Ranganathan**

**..Petitioner**

**Vs.**

1. The Commissioner,  
Udumalpet Municipality,  
Udumalpet.
2. The Tahsildar,  
Udumalpet Taluk,  
Udumalpet, Tiruppur District.
3. L. Santhyavu
4. V. Vinothkumar
5. The Church represented  
By its President,  
Site No.40,  
Shree Royal Nagar Teacher's  
Colony,  
Udumalpet, Tiruppur District.



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6. The Block Development Officer,  
Udumalpet, Tiruppur District.

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(R6 suo motu impleaded by order of Court  
dated 15.12.2023 by SVNJ & KRSJ)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 herein to remove the encroachments/unauthorized structures put up by respondents 3 to 5 herein in part of the 20 feet north-south road situated in approved layout namely G.T.V. Nagar in S.F. No. 171, Kanakkampalayam Village, Udumalpet and restore the same by considering the petitioner's representation dated 04.02.2019.

For Petitioner :: Mr.J. Aravind for  
Mr.D.R. Arunkumar

For Respondents :: Mr.A. Selvendran,  
Special Government Pleader  
for R2 & R6  
Mr.B. Anand for R1  
Mr.T. Ramachandran for  
R3 & R5

ORDER



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(Made by **S. Vaidyanathan, J.**)

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The petitioner has come forward with the present writ petition for issue of a Writ of Mandamus directing respondents 1 and 2 herein to remove the encroachments/unauthorized structures put up by respondents 3 to 5 herein in part of the 20 feet north-south road situated in approved layout namely G.T.V. Nagar in S.F. No. 171, Kanakkampalayam Village, Udumalpet and restore the same by considering the petitioner's representation dated 04.02.2019.

2. The grievance of the petitioner is that he has been deprived of free ingress and egress to his house due to the encroachment made by respondents 3 to 5 by erecting permanent structures in a part of the 20 feet North-South road that runs in front of his house and the same was also gifted to the 1<sup>st</sup> respondent Municipality long back during the formation of layout. Though the petitioner sent a representation to the 1<sup>st</sup> respondent to clear the encroachment, the same has not been considered. Hence, the present writ petition.

3. When the matter is taken up for hearing, it is represented that



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the 5<sup>th</sup> respondent is not a church, but it is ***“West Coimbatore Congregation of Jehovah's Witnesses Trust, having address at No.100, Teacher's Colony, Royal Nagar, Udumalpet, Tiruppur District.”*** The said statement is hereby recorded.

4. It is submitted by the learned counsel for the 1<sup>st</sup> respondent Municipality that out of three encroachments pointed out by the petitioner, one encroachment has already been removed. With regard to the second encroachment, pursuant to the order of this Court dated 26.10.2023 in W.P. No. 31113 of 2023, orders have been passed on 11.12.2023 to remove the encroachment within 15 days. With regard to the 3<sup>rd</sup> encroachment, it comes within the purview of the newly impleaded 6<sup>th</sup> respondent and it is submitted by the learned counsel for the 1<sup>st</sup> respondent that survey will have to be conducted to find out whether there is any encroachment and thereafter, the same will have to be removed, if found.

5. In view of the submission made by the learned counsel for the 1<sup>st</sup> respondent, the writ petition is disposed of with a direction to remove the 2<sup>nd</sup> encroachment within the time stipulated. With regard to the 3<sup>rd</sup>



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encroachment, the 6<sup>th</sup> respondent is expected to conduct a survey with the assistance of Tahsildar concerned and other revenue officials, afford an opportunity of hearing to the petitioner and other interested parties and take steps to remove the encroachment, if found, with police aid within a period of 15 days from the date of noticing the encroachment. In case, the encroachment found is not removed within the time stipulated, then appropriate action shall be taken against the officials concerned in the light of the order dated 30.08.2023 passed by Madurai Bench of Madras High Court, in W.P.(MD) No. 16120 of 2023 (*N. Sankar V. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and 3 others*). No costs.

nv

(S.V.N.J.) (K.R.S.J.)  
15.12.2023

To

1. The Commissioner,  
Udumalpet Municipality,  
Udumalpet.

**S. VAIDYANATHAN,J.**

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**AND**

**K. RAJASEKAR,J.**

nv

2. The Tahsildar,  
Udumalpet Taluk,  
Udumalpet, Tiruppur District.
3. The Block Development Officer,  
Udumalpet, Tiruppur District.

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