



W.P.No.29472 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29472 of 2023

C.N.Raju

.. Petitioner

Vs.

1. The Collector

Erode District, Tamil Nadu.

2. Erode City Municipal Corporation

Rep. by its Commissioner

Erode City Municipal Corporation Office

New No.246, Old No.894

Brough Road, Erode 638 001, Tamil Nadu.

3. Regional Transport Officer

Erode East RTO

Karur Bye Pass Road

Erode, Tamil Nadu.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to remove encroachment made by the third respondent and restore and maintain the 30 feet road connecting DCTP Layout DTCP No.998 of 1991 with Karur Bye Pass Road and situated at R.S.No.150/2 Part, Nanjai Uthukuli Village, Erode Taluk, Erode District (Then Periyar District) within the then Modakuriji Panchayat Union now with Erode Corporation, the second respondent for public usage.



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For the Petitioner : Mr.S.Ganesh
For G.Vijay Anand Associates

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondent-1

Mr.M.Rajamathivannan
for Respondent-2

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Ganesh, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the first respondent and Mr.M.Rajamathivannan, learned counsel for the second respondent.

2. Learned counsel for the petitioner submits that the access road has been encroached by the third respondent Regional Transport Officer.

3. According to learned Special Government Pleader, the access road is in S.No.150/2 and the construction of Regional Transport Office



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is in S.Nos.151/1 and 151/2B.

4. According to learned counsel for the Municipal Corporation, the said property is within the limits of the Panchayat Union.

5. It appears to be a case of disputed questions of fact. The petitioner may file a complaint/representation with the concerned Panchayat Union. If such a representation is made, the Panchayat Union shall consider the said representation on its own merits and take decision expeditiously, preferably within four months from the date of complaint/representation made by the petitioner.

6. The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.29091 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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