



W.P.No.33996 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33996 of 2023

M.Mariappan

.. Petitioner

Vs.

1. The Commissioner
The Udumalpet Municipality
Udumalpet, Tiruppur District.

2. The Tahsildar
Udumalpet Taluk, Udumalpet
Tiruppur District.

3. Chidambaram

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to remove the encroachment made by the third respondent in T.S.No.53 (presently numbered as T.S.No.237), Ward C, Udumalpet Town and Taluk, Tiruppur District which is admittedly a public pathway and to restore the said pathway to its original position as per the revenue, records within a specific time frame by considering the petitioner's representation dated 04.07.2022.



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For the Petitioner : Ms.Rebecca Vasanthini Percy
For the Respondents : Mr.B.Anand
Standing Counsel
for R1

Mr.P.Muthukumar
State Government Pleader
for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Ms.Rebecca Vasanthini Percy, learned counsel for the petitioner, Mr.B.Anand, learned Standing Counsel for the first respondent and Mr.P.Muthukumar, learned State Government Pleader for the second respondent.

2. Encroachment is alleged on the pathway possessing width of 1.8 meters.

3. Learned State Government Pleader, on instructions of the Tahsildar, submits that the pathway was surveyed by the Town Surveyor and the Revenue Inspector of Udulmalpet Firka has found that the third respondent has encroached to an extent of 3 sq.ft of the pathway and has constructed a bathroom, which causes



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disturbance to the public of the area. It is further submitted that action would be taken by the first respondent/Commissioner, Udumalpet Municipality.

4. Learned counsel for the Municipality submits that the Municipality would issue notice to the third respondent for removal of encroachment and after issuing notice and following the provisions of law, further steps would be undertaken expeditiously.

5. In view of the above, we need not pass any orders in the matter. The writ petition, accordingly, stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)
07.12.2023

Index : Yes/No
Neutral Citation : Yes/No
drm

To

1. The Commissioner
The Udumalpet Municipality
Udumalpet, Tiruppur District.
2. The Tahsildar
Udumalpet Taluk, Udumalpet



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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