



W.P.(MD) No.1021 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1021 of 2023

R.Sathishkumar

... Petitioner

Vs.

1.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

2.G.Nithya

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Writ of Mandamus, directing the 1st Respondent to remove the encroachment made by the 2nd respondent in the common pathway situated at TS.No.169, Chidambaranar Street, Pudhupalayam, Rajapalayam, Virudhunagar District, based on the petitioner's representation dated 22.11.2022.



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For Petitioner : Mr.Chamundi Bose for
Mr.M.Chokkusamy Balasubramaniam
For Respondents : Mr.N.Dilipkumar,
Standing Counsel for R1

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to remove the encroachment made by the 2nd respondent in the common pathway situated at TS.No.169, Chidambaranar Street, Pudhupalayam, Rajapalayam, Virudhunagar District, based on the petitioner's representation dated 22.11.2022.

2. Mr.N.Dilipkumar, learned Standing Counsel takes notice for the first respondent. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the 2nd respondent is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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4. The learned counsel appearing for the petitioner submitted that the second respondent has made encroachments in the common pathway in TS.No. 169, Chidambaranar Street, Pudhupalayam, Rajapalayam, Virudhunagar District. In this regard, though the petitioner made a representation on 22.11.2022, seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents. Hence, the petitioner has filed this Writ Petition.

5. The learned Standing Counsel appearing for the first respondent submitted that necessary action will be taken for removal of encroachment, within a time frame.

6. This Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 22.11.2022 and pass orders on its own merits and in accordance with law, after providing opportunities to all the parties concerned, including the second respondent, as expeditiously as possible, preferably, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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WEB COPY 7. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K., J.] [R.V., J.]

20.01.2023

NCC : Yes / No
Index : Yes / No
vsm

To

The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.



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and
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