



W.P.(MD)No.1463 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.1463 of 2023

N. Jothi @ Jothi Nageshwaran

... Petitioner

Vs.

1.The Commissioner,
Lalgudi Municipality,
Paramasivapuram,
Lalgudi,
Trichy District.

2.The Inspector of Town Planning,
Lalgudi Municipality,
Trichy.

3.Amjath Khan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents No.1 and 2 to remove the encroachment made in Survey No.101/1 Siruthaiyur village, Lalgudi Taluk, as per the order dated 25.10.2022 issued by the 1st Respondent under Tamilnadu District Municipalities Act by considering the petitioner's representation dated 19.10.2022



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within the period that made be stipulated by this Court.

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For Petitioner : Mr.J.Karthikeyan

For Respondents : Mr.T.Amjadkhan,
Government Advocate for R1 & R2

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Writ of Mandamus has been instituted to direct the Respondents No. 1 and 2 to remove the encroachment made in Survey No.101/1 Siruthaiyur village, Lalgudi Taluk.

2. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the 3rd respondent also, notice to the 3rd respondent is dispensed with.

3. The petitioner submitted a complaint to remove the unauthorized construction put up by the third respondent in the Trust property, namely, Rangoon Chidambara Reddiar Charity. Based on the complaint, the authorities have initiated action to demolish the unauthorized constructions and passed an order in proceedings dated 25.10.2022. The order relied on by the petitioner would



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reveal that the third respondent was asked to remove the encroachments within a period of seven days, failing which the official respondents will remove the encroachments and recover the costs incurred. Since the authorities have not pursued the action, the petitioner has chosen to file the present Writ Petition.

4. In view of the fact that the unauthorized constructions were already identified and an order has been passed by the Commissioner, Lalgudi Municipality, in proceedings dated 25.10.2022, we direct the first respondent to proceed with the demolition of the construction and complete the same within a period of eight weeks from the date of receipt of a copy of this order by following the procedures contemplated.

5. With the above directions, the Writ Petition stands disposed of. No costs.

**(S.M.S., J.) & (V.L.N., J.)
28.11.2023**

NCC : Yes / No
Index : Yes / No

SJ

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

To

- 1.The Commissioner,
Lalgudi Municipality,
Paramasivapuram,
Lalgudi,
Trichy District.
- 2.The Inspector of Town Planning,
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