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W.P.(MD) No.2118 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.2118 of 2023

M.Shanmuganathan

... Petitioner

-VS-

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Executive Engineer,
State Highways,
Tirunelveli Division,
Tirunelveli District.
- 3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.
- 4.The Commissioner,
Vikramasingapuram Municipality,
Tirunelveli District.
- 5.Nachiyar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made upon the fifth respondent Nachiyar wife of Murugaihbandian in Aambur Road,



South Agasthiyarpuram, Vikramasingapuram, Ambasamudram
Taluk, Tirunelveli District by considering the petitioner's
representation dated 27.08.2022.

For Petitioner : Mr.P.Karthick
For RR 1 to 3 : Mr.K.Balasubramani
Special Government Pleader
For R - 4 : Mr.H.Arumugam
Standing Counsel

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent/Nachiyar, W/o.Murugaihbandian in Aambur Road, South Agasthiyarpuram, Vikramasingapuram, Ambasamudram Taluk, Tirunelveli District by considering the petitioner's representation dated 27.08.2022.

2. Learned counsel appearing for the petitioner has drawn our attention to the photographs enclosed along with the affidavit filed in support of the Writ Petition, wherein, we are able



to see that there are two structures put up on the part of the road belonging to the State Highways.

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3. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the encroachment, if any, would be removed within a period of four weeks by following due process of law.

4. In view of the abovesaid submissions, the second respondent is directed to remove the encroachments, if any, after issuing notice and after affording sufficient opportunity of personal hearing to all the parties concerned including the fifth respondent and by following due process of law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

[T.R., A.C.J.] [D.K.K., J.]
03.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
vsm/ps



To

W.P.(MD) No.2118 of 2021



- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Executive Engineer,
State Highways,
Tirunelveli Division,
Tirunelveli District.
- 3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.
- 4.The Commissioner,
Vikramasingapuram Municipality,
Tirunelveli District.



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W.P.(MD) No.2118 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

vsm/ps

ORDER MADE IN
W.P.(MD) No.2118 of 2023

DATED : 03.02.2023