



W.P(MD)No.9920 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

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M.Pandi

... Petitioner

-VS-

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Municipal Corporation,
Madurai.

3. The Tahsildar,
South Taluk,
Madurai.

4. The Block Development Officer,
Tirupparankundram Union Office,
Tirunagar, Madurai.

5. The Executive Engineer,
Madurai TNEB Metro Electricity Distribution Circle,
West Division, Madurai.

6. The Assistant Engineer,
Tirupparankundram Town,
Madurai TNEB Electricity Distribution Circle,
Madurai.

7. Pooranam



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8. S.Seenivasan

9. Panchammal

... 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 illegal encroachment made by the respondents 7 to 9 in Chidambaranar Street, Balaji Nagar, Tiruparankundram, Madurai, leading to Villachery main road and further direct the 2nd respondent to initiate action through respondents 5 and 6 to shift the EB Poll standing in the center of the public road obstructing the public pathway in front of the 7th respondent's house to the margin of the said road by considering the representation of the petitioner dated 14.04.2021 within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Arun Murugan
For R1, R3 & R4 : Mr.P.Thilakkumar, Government Pleader
For R2 : Mr.S.Vinayak
For R5 & R6 : Mr.S.Deenadhayalan

ORDER

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

Heard Mr.M.Arun Murugan, learned counsel appearing for the petitioner, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents 1, 3 and 4, Mr.S.Vinayak, learned counsel for the 2nd respondent and Mr.S.Deenadhayalan, learned counsel for the respondents 5 and 6.



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2. The petitioner seeks

(i) removal of encroachment made on a public street allegedly by the respondents 7 to 9; and

(ii) to relocate the electric pole standing in the middle of the road.

3. According to the counsel for the respondents 5 and 6, the said electric pole is standing on the said site since 1996.

4. According to the learned Advocate for the 2nd respondent Corporation, the survey notice will be issued to the parties concerned and based on the report of the survey, if encroachment is found, further steps would be undertaken as per law immediately.

5. In view of the statement made, the 2nd respondent Corporation may conduct the survey of the property as has been mentioned in the petition namely, Survey Nos.160/1 and 160/2, Balaji Nagar, Tiruparankundram Village, Madurai. The said survey notice as undertaken shall be issued within a period of two weeks from today.

6. After the survey notice is issued and survey conducted, if the Corporation finds encroachment, it shall initiate proceedings for removal of encroachment in accordance with law and procedure.



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7. As far as shifting of electric pole is concerned, the same as has been stated is at the same site since 1996 and some subsequent events occur. Therefore, it would not be appropriate to pass any orders by this Court. It is for the respondents 5 and 6 to consider as to whether electric pole would be hindrance to the traffic and or to the locality. They may in consultation with the 2nd respondent take a decision with regard to the shifting of the pole or otherwise.

8. The Writ Petition is accordingly disposed of. No costs.

[S.V.G., C.J.]

[P.V.M., J.]

28.08.2023

Index : Yes / No
Neutral Citation : Yes / No
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THE HONOURABLE CHIEF JUSTICE
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P.VADAMALAI, J.

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