



WEB COPY

W.P.(MD)No.9769 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

W.P.(MD)No.9769 of 2023

C.Sankaranarayanan

... Petitioner

-VS-

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Commissioner,
Sankarankovil Municipality,
Tenkasi District.
3. The Town Surveyor,
Sankarankovil Municipality,
Tenkasi District.
4. R.Senthil Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made by the 4th respondent in the common pathway in T.S.No.108, Block 12, Ward B, Thiruvengadam Road, Sankarankovil Municipality, Tenkasi District by considering the petitioners representation dated 24.03.2023, within time stipulated by this Honourable Court.

For Petitioner

: Mr.S.Veluchamy



For R1 : Mr.A.Baskaran
Additional Government Pleader
For R2 : Mr.V.Nirmal Kumar
Government Advocate
For R3 : Mr.P.T.Thiraviyam
Government Advocate

ORDER

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

With the consent of parties, the writ petition itself is taken up for final disposal.

2. Mr.C.Sankaranarayanan, son of Chinnagovindhan, residing at No.167/35, Thiruvengadam Salai, Sankarankovil, Tenkasi District, has filed this writ petition for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachment made by R.Senthil Kumar, S/o.Ramakrishnan, the fourth respondent herein, in the common pathway in T.S.No.108, Block 12, Ward B, Thiruvengadam Road, Sankarankovil Municipality, Tenkasi District, on the basis of the representation dated 24.03.2023, within a time frame.

3. Mr.A.Baskaran, learned Additional Government Pleader takes notice for the first respondent; Mr.V.Nirmal Kumar, learned



Government Advocate takes notice for the second respondent and Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the third respondent. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the private respondent is dispensed with.

4. Claiming that the fourth respondent while constructing the staircase to enter his house obstructed the common pathway in T.S.No.108, Block 12, Ward B, Thiruvengadam Road, Sankarankovil Municipality, the petitioner submitted a representation to the first respondent on 24.03.2023. Despite the representation dated 24.03.2023 made by the petitioner in this regard to the official respondents to take appropriate action, till date, no action has been taken by them. In support of his submissions, learned counsel also brought to our notice the photographs enclosed at page No.18 of the typed set of papers. A perusal of the photographs clearly shows that the fourth respondent by obstructing the common pathway, has raised the staircase to have access to his house by completely blocking the narrow lane. As a result, the ingress and egress of the people is affected. Hence, he prayed for allowing this writ petition.



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5. Learned Government Advocate appearing for the second respondent sought four weeks time to give notice to all the parties concerned and thereafter, to remove the encroachments in accordance with law.

6. Recording the aforesaid submissions, without expressing any opinion on the prayer sought for by the petitioner, this writ petition is disposed of directing the official respondents to remove the encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[T.R., A.C.J.] [R.S.M., J.]
25.04.2023

NCC : No
Index : No
Internet: Yes
PKN



W.P.(MD)No.9769 of 2021



To

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Tenkasi District.
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W.P.(MD)No.9769 of 2023:

T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

PKN

ORDER MADE IN
W.P.(MD)No.9769 of 2023

25.04.2023