



W.P(MD)No.10667 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.10667 of 2023
and
W.M.P(MD)No.9417 of 2023**

Bosepandi

... Petitioner

Vs.

1.The District Collector
Madurai District,
Madurai.

2.The Commissioner
Madurai Corporation,
Aringnar Anna Maligai,
Madurai.

3.The Tahsildar
Madurai North Taluk,
Madurai Collector Office,
Madurai.



W.P(MD)No.10667 of 2023

4.The Village Administrative Officer,
Thathaneri Village,
Madurai - 18.

5.P.Gajendrakumar
Ward Councilor,
Ward No.21, Melavaithiyanathapuram,
Madurai North Taluk,
Madurai - 18.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents Nos. 1 to 4 herein to remove the encroachment made by the fifth respondent herein land classified as Sarkar Poromboke as per Town Survey Land Register in Survey No.117 at Ward No.21, Melavaithiyanathapuram Mail Road, Thathaneri, Madurai North Taluk, Madurai District, and also take necessary action to cancel the building plan approval granted to the fifth respondent in Survey No.117 and stop further encroachment based on the petitioner's representation dated 06.04.2023.

For Petitioner : Mrs.A.Banumathy

For Respondents : Mr.P.Thilak Kumar - for R1, R3 & R4

Government Pleader



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W.P(MD)No.10667 of 2023

Mrs.S.Devasena - for R2

Standing Counsel

Mr.V.Balaji - for R5

ORDER

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

Heard Mrs.A.Banumathy, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1, 3 and 4, Mrs.S.Devasena, learned Standing Counsel appearing for the second respondent and Mr.V.Balaji, learned counsel appearing for the fifth respondent.

2. The petitioner claims unauthorized construction by respondent No.5 on land in Survey No.117.

3. According to the learned counsel for the fifth respondent, the said land belongs to the mother and sister of the fifth respondent and not the fifth respondent. The learned counsel further submits that the present petition is not a public interest litigation, but it is arising out of personal grudge. The petitioner is an unsuccessful contestant for the post of Councilor and the respondent No.5 is a Councilor from the same ward.



W.P(MD)No.10667 of 2023

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4. The learned Standing Counsel for the respondent Corporation submits that already notice has been issued on 08.07.2023 in respect of the constructions to the respondent No.5 and mother of the respondent No.5.

5. We are not considering the merits of the matter. As the Corporation has already issued notice, no further orders are necessary.

6. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.] [C.K., J.]
31.08.2023

Index : Yes / No
Neutral Citation : Yes / No
RM



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W.P(MD)No.10667 of 2023

THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

RM

W.P(MD)No.10667 of 2023

31.08.2023