



W.P.(MD) No.19859 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD) No.19859 of 2022

Eswaran,

... Petitioner

Vs

1. The District Collector,
Dindigul District, Dindigul..

2. The Corporation Commissioner,
Palani, Dindigul District..

3. Muthuramalingam,

4. Thowbig,

5. Mahesh,

6. Pandi,

7. Samsudeen,

8. Abudhahir,

9. Ponraj,

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachment of illegal construction made by the respondents 3 to 9 in Thiruvalluvar Road (Ulavarsanthai Road), Palani, by considering the petitioner's representation dated 10.05.2022 within a time frame.

For Petitioners : Mr.D.Venkatesh
For Respondents : Mr.T.Amjad Khan for R1
Government Advocate
Mr.K.Hema Karthikeyan for R2
No appearance for R3 to R9

ORDER

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

We have heard Mr.D.Venkatesh, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the respondent No.1 and Mr.K.Hema Karthikeyan, learned counsel for the respondent No.2.



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2. Learned counsel for the petitioner submits that the respondents 3 to 9 have encroached upon the public streets and have erected stalls. The same is illegal.

3.The learned Advocate for the respondent No.2 Corporation submits that the Corporation has issued licenses to these persons to run petty shops. They are not on the road but are adjacent to the road.

4.If the Corporation issued licenses, the occupation of the respondents 3 to 9 cannot be said to be unauthorised or illegal. They are running petty shops under the license issued by the Corporation. At the same time, the Corporation is also required to issue the license on the premises that is unobjectionable and it would oversee that the said shops are not on the road.



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5. The writ petition stands disposed of accordingly. However, there shall be no order as to costs.

[S.V.G., CJ.]

[K.K.R.K., J.]

28.11.2023

NCC : Yes / No

Index : Yes / No

RR

To

1. The District Collector,
Dindigul District, Dindigul..

2. The Corporation Commissioner,
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THE HON'BLE THE CHIEF JUSTICE
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RR

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