



W.P.(MD)No.15102 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.15102 of 2014

and

M.P.(MD)No.2 of 2014

P.Raja

... Petitioner

Vs.

- 1.The Director of Town Panchayat Officer,
Kuralagam, Chennai-600 108.
- 2.The Assistant Director of Town Panchayat,
Madurai Zone, Madurai.
- 3.The Paravai Town Panchayat,
Rep. by the Executive Officer,
Paravai, Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued to the petitioner by the 3rd respondent in his proceedings in Na.Ka.No.91/2014, dated 09.09.2014 and quash the same.



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For Petitioner : Mr.G.Karuppasamy Pandian
For R1 & R2 : Mr.S.Kameswaran, Government Advocate
For R3 : No Appearance

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The memo issued by the Executive Officer, Paravai Town Panchayat, Paravai / 3rd respondent dated 09.09.2014 is under challenge in the present Writ Petition.

2.The petitioner states that he is serving as a Corporation Driver in Madurai Corporation and he had obtained permission to put up construction in his lands. Despite the fact that approval was granted, the impugned notice has been issued.

3.The facts as stated in the affidavit filed in support of this Writ Petition would be insufficient to form an opinion that the petitioner has established any right to consider the relief.



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4.The learned Government Advocate appearing for the respondents 1 and 2 states that the petitioner has encroached upon the street poramboke, which is causing nuisance to the road users. Therefore, the Executive Officer of Paravai Town Panchayat issued a notice to remove the encroachment and an opportunity was also provided to the petitioner to remove the encroachment.

5.In view of the above factum, we do not find any reason to interfere with the memo issued by the Executive Officer, Paravai Town Panchayat / 3rd respondent for removal of the encroachment from the public street. Streets are to be maintained free from encroachments for the benefit of public at large / road users. Thus, the respondents are directed to remove the encroachments without causing any undue delay. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

31.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

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AND

V.LAKSHMINARAYANAN, J.

Yuva

To

- 1.The Director of Town Panchayat Officer,
Kuralagam, Chennai-600 108.
- 2.The Assistant Director of Town Panchayat,
Madurai Zone, Madurai.

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