



W.P(MD)No.15275 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.15275 of 2014

S.Alagumalai

... Petitioner

vs.

1. The District Collector,
Theni District,
Theni.

2. The Revenue Divisional Officer,
Uthamapalayam Division,
Uthamapalayam,
Theni District.

3. The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

4. The Municipal Commissioner,
Cumbum Municipality,
Cumbum,
Theni District.

5. Chinnasamy

1/6



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6. Tajudeen

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the illegal encroachment made by the respondents 5 & 6 herein in the Public Road existing on the Eastern side of the Odai situate in T.S.No.65, Block No.21 approaching to the Thathappankulam Main Road of Cumbum Town, Cumbum Municipality, Uthamapalayam Taluk, Theni District.

For Petitioner	: No appearance
For R1 to R3	: Mr.K.Balasubramani Special Government Pleader
For R4	: Mr.Murugan
For R5	: Mr.K.Guhan

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the illegal encroachment made by the respondents 5 & 6 herein in the Public Road existing on the Eastern side of the Odai situate in T.S.No.



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65, Block No.21 approaching to the Thathappankulam Main Road of Cumbum Town, Cumbum Municipality, Uthamapalayam Taluk, Theni District.

2. The 3rd respondent filed counter. Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that in order to ascertain the extent of encroachment in the place in question, a survey was conducted in the year 2014 and details of encroachment made by the respondents 5 and 6 were given to the 4th respondent on 27.10.2014. Based on the same, the 4th respondent issued a notice under Section 182 of the Tamilnadu District Municipalities Act, 1920, in Na.Ka.No.2738/2014/F1 dated 29.10.2014 to the respondents 5 and 6. According to the learned Special Government Pleader, 4th respondent is the competent authority to carry out the eviction process as per the Tamilnadu District Municipalities Act, 1920, but so far, the 4th respondent has not taken any steps to remove the encroachment in the place in question.



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3. In view of the aforesaid averments in the counter filed by the 3rd respondent, we direct the petitioner to submit a representation to the 4th respondent seeking removal of encroachment in the place in question. If any such representation is made by the petitioner, the 4th respondent is directed to dispose of the same and the encroachment, if any, in the place in question shall be removed after affording sufficient opportunity to all the parties concerned and by following due process of law.

4. With the above direction, the Writ Petition is disposed of.

No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
bala

[D.K.K.,J.] & [L.V.G.,J.]
21.02.2023

To

1. The Commissioner,
Trichy Corporation,
Office of the Corporation Commissioner,
Srirangam, Trichy.

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2. The District Collector,
O/o. The District Collector,
Trichy.

3. The Tahsildar,
Srirangam Taluk,
Trichy District,
Trichy.



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and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.15275 of 2014
DATED : 21.02.2023