



W.P(MD)No.7307 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7307 of 2015
and
M.P.(MD)No.1 of 2015

Lakshmipuram Residents Welfare Association,
Rep. by its Secretary,
T. Alagesan.

... Petitioner

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Commissioner,
Trichy Corporation,
Trichy District.
- 3.The Member Secretary,
Town and Country Planning,
Trichy.
- 4.The Revenue Divisional Officer,
Trichy, Trichy District.
5. The Executive Engineer (R.C. Division),
Public Works Department,
Trichy.



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6.The Tahsidlar,
Taluk Office,
Ariyamangalam,
Trichy District.

7.R.Ramaiya

8.Mohan

9.Shanthi

10.Ramachandran

11.Rajendran

12.Gomathi

13.Bhuvanesh ... Respondents
*(R9 to R13 are impleaded vide order dated
20.07.2023 in W.M.P.(MD)No.14362 of 2023 in
W.P.(MD)No.7307 of 2015 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the respondents 7 & 8 in the place earmarked as open space, road and canal in Survey No.143/3B, (P), 143/3C (P), 148/1, Ariyamangalam Village, Trichy District, within the period that may be stipulated by this Court.



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For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.N.Satheesh Kumar,
Addl. Govt. Pleader for R1, R3 to R6.
Mr.M.Mohand for R8.
Mr.R.Sundar Srinivasan for R9 to R13.

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the official respondents, the learned counsel for the eight respondent and the learned counsel for the impleaded respondents 9 to 13.

2.The allegations made in the writ petition is that the respondents 7 and 8 have committed encroachments and that it should be removed.

3.The learned counsel for the eight respondent categorically states that the eight respondent has confined the extent of his enjoyment to the plot purchased by him and that he had not encroached on the road portion.



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4.As regards the seventh respondent, it is stated that the petitioner has failed to take note of the modifications effected in the lay out after the approval of the original plan. According to him, a number of plots became 85 from 28 and that instead of an existing road, two other alternative roads were formed.

5.The learned counsel for the seventh respondent seeks time to furnish the additional particulars. He also states that some civil suit appears to be pending and that an injunction order has also been granted.

6.I do not want to go into the factual aspects. The fifth respondent has filed counter affidavit broadly supporting the stand taken by the writ petitioner. It is also stated therein that notices have been issued for removal encroachments. The allegation of the petitioner is that road portion has been encroached. As regards the road portion, it is the fifth respondent who is the competent authority. As regards the water body, the sixth respondent is the proper authority. If that be so, fresh notices shall be issued by the respondents 5 and 6 and final order shall be passed by them after holding proper enquiry and hearing all the stakeholders.



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The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter.

7.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

20.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
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- 2.The Member Secretary,
Town and Country Planning,
Trichy.
- 3.The Revenue Divisional Officer,
Trichy, Trichy District.
- 4.The Executive Engineer (R.C. Division),
Public Works Department,
Trichy.
- 5.The Tahsidlar, Taluk Office,
Ariyamangalam, Trichy District.

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G.R.SWAMINATHAN, J.

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20.07.2023
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