



W.P.(MD)No.15084 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.15084 of 2016

and

W.M.P.(MD)No.11118 of 2016

1.Suresh Kumari
2.A.Prakasam

... Petitioners

Vs.

1.The District Collector,
Tiruchirappalli District, Tiruchirappalli.

2.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Barathidasan Salai, Cantonment,
Tiruchirappalli.

3.The Additional Commissioner,
Tiruchirappalli City Municipal Corporation,
Ariyamangalam Zone, Palakkarai,
Tiruchirappalli.

4.Latha Maheswari
5.Sakthivel

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take necessary steps to stop



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the construction of godown in a residential area by the respondents 4 and 5 encroaching upon the public pathway.

For Petitioners : Mr.P.Thiagarajan
For R1 : Mr.T.Amjadkhan, Government Advocate
For R2 & R3 : Mr.K.R.Kishore Ram,
For M/s.R.B.Law Associates
For R4 & R5 : Mr.R.Gandhi, Senior Counsel

ORDER

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

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to take necessary steps to stop the construction of godown in a residential area by the respondents 4 and 5 encroaching upon the public pathway.

2.The learned Senior Counsel appearing on behalf of the respondents 4 and 5 relying on the counter affidavit, made a submission that no construction was put up in the location as stated by the petitioners and even as on today, there is no construction and only a compound wall has been constructed to protect the property belonging to the respondents 4 and 5.



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3.He further made a submission that the petitioners and some other persons have encroached upon the public property and the competent authorities have failed to take necessary action and in order to avoid the removal of encroachment, the petitioners have chosen to file the present Writ Petition.

4.The learned counsel appearing on behalf of the respondents 2 and 3 made a submission that some encroachments have been identified by the competent authorities and there is no impediment for them to evict the encroachers.

5.May that as it be, the respondents 1 to 3 are directed to conduct a fresh survey in order to identify the encroachments by the persons by affording an opportunity to such persons and by following the procedures as contemplated under the Act. After identifying the encroachments, the respondents 1 to 3 are directed to remove all the encroachments within a period of three weeks from the date of receipt of a copy of this order. It is needless to state that notice is to be issued to the encroachers and sufficient opportunity be afforded to them to submit their explanations / objections if any. The respondents 1 to 3 are also directed to submit a report before this Court after removing the encroachments in that locality.



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6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

7. Post the matter on **13.12.2023** for reporting compliance.

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

08.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The District Collector,
Tiruchirappalli District,
Tiruchirappalli.



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AND

V.LAKSHMINARAYANAN, J.

Yuva

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