



W.P.(MD) No.27541 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27541 of 2022

M.Sethupandi

... Petitioner

-Vs-

- 1.The Commissioner,
Madurai City Municipal Corporation,
Anna Maligai, Madurai City-625 002.
- 2.The Executive Engineer (Planning),
Madurai City Municipal Corporation,
Anna Maligai, Madurai City-625 002.
- 3.The Assistant Engineer, (Planning),
Madurai City Municipal Corporation,
Anna Maligai, Madurai City.

Page 1 of 5



W.P.(MD) No.27541 of 2022

WEB COPY

4.The Commissioner of Police,
Madurai City, Madurai.

5.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

6.R.Kannan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in 30 feet road in T.S.No.4/2A1 (Survey No.114/2), Block No.3, Ward No.25, Kochadai Village, Madurai City based on the petitioner's representation dated 12.11.2022.

For Petitioner	: Mr.P.Chandrasekar
For R1 to R3	: Mr.K.K.Kannan, Standing Counsel
For R4 & R5	: Mr.S.Manikandan, Government Advocate (Crl.Side)
For R6	: Mr.M.Mohamed Sherbudeen



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W.P.(MD) No.27541 of 2022

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed seeking issuance of a Writ of Mandamus to direct the respondents 1 to 5 to remove the encroachment made by the 6th respondent in 30 feet road in T.S.No.4/2A1 (Survey No.114/2), Block No.3, Ward No.25, Kochadai Village, Madurai City based on the petitioner's representation dated 12.11.2022.

2.Today, when the matter was taken up for hearing, the learned Standing Counsel for the respondents 1 to 3 submitted that the encroachment made by the 6th respondent has been removed by the respondent Corporation on 21.12.2022, after issuing notice dated 06.12.2022 to the 6th respondent. He has also placed a copy of the said notice dated 06.12.2022 before this Court.

3.The learned counsel for the 6th respondent has disputed the said fact and stated that the action taken by the respondent Corporation is illegal and they have not issued any notice or summon to the 6th respondent.

Page 3 of 5



W.P.(MD) No.27541 of 2022

WEB COPY

4.In the light of the aforesaid submission, we are of the view that after issuing notice dated 06.12.2022 to the 6th respondent, the respondent Corporation removed the encroachment in the road in question on 21.12.2022. Therefore, the contention of the 6th respondent that no notice has been served to him is unacceptable. In view of the above, recording the submission made by the learned Standing Counsel for the respondent Corporation, this Writ Petition stands closed. No costs.

[D.K.K., J.] & [R.V., J.]
20.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

Page 4 of 5



WEB COPY



W.P.(MD) No.27541 of 2022

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

MYR

W.P.(MD)No.27541 of 2022

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