



WP No.36288 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.36288 of 2023

R.Menaka : Petitioner

versus

- 1.The State of Tamil Nadu,
rep. By its Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai 9
- 2.The Commissioner,
Salem City Municipal Corporation,
Municipal Administration and Water Supply Department,
Salem 636 001
- 3.The Asst. Commissioner,
Division 01, Zone 1, Suramangalam Ward Office,
Salem City Municipal Corporation, Salem 636 005
- 4.Sri Kaliyamman Bhakthajana Trust,
rep. By its President E.Pushparaj : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 2 and 3 to take appropriate further steps to implement the proceeding Na.Ka.K12/4952/2023 dated 27.09.2023 issued by the second respondent and remove the encroachments/ obstructions made by the fourth respondent on the 30 feet public street, running north to south between plot Nos.32, 33 an Plot No.46 of approved layout ma.Pa. (Che.Tha) No3/1986 i.e. in TS No.28, Ward A, Block 39 of Salem City Municipal Corporation, Presently called as Doctors



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Colony, Jagir Reddipatti (Ammapalayam village) Salem 636 302 within a stipulated time.

For Petitioner : Mr.P.Thiagarajan

For Respondent No.1 : Mr.C.Kathiravan,
Special Government Pleader

For Respondents 2, 3 : Ms.N.Devi, Standing Counsel

For Respondent No.4 : Mr.P.Raja

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Thiagarajan, learned counsel for the petitioner; Mr.C.Kathiravan, learned Special Government Pleader, for the first respondent; Ms.N.Devi, learned Standing Counsel, for respondents 2 and 3 and Mr.P.Raja, learned counsel for the fourth respondent.

2. According to learned counsel for the petitioner, there are stones and other obstructions made on the public street by the fourth respondent. The fourth respondent is also trying to encroach the public street.

3. Affidavit is filed by the second respondent. As per the affidavit filed, there is a dispute between the petitioner and the fourth respondent. The Assistant Commissioner inspected the site and subsequently prepared a report.



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The respondent authorities have taken action for clearing the debris. Though the respondent authorities are clearing the debris, the fourth respondent is again and again dumping the same. The affidavit further states that the second respondent would clear the debris and any encroachment made by the fourth respondent.

4. There is no impediment for the second respondent to clear the encroachment on the public street. If any stones, debris or encroachment is observed by the second respondent on the public street, then the second respondent shall take action for removal of the same.

5. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP No.36272 of 2023 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

24.04.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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THE HON'BLE CHIEF JUSTICE

AND

J.SATHYA NARAYANA PRASAD, J.

(tar)

2.The Commissioner,
Salem City Municipal Corporation,
Municipal Administration and Water Supply Department,
Salem 636 001

3.The Asst. Commissioner,
Division 01, Zone 1, Suramangalam Ward Office,
Salem City Municipal Corporation,
Salem 636 005

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