



WP No.23572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B. BALAJI

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C.ASHOK KUMAR

: Petitioner

Vs

- 1.THE DIRECTOR OF MUNICIPALITY
MUNICIPAL DIRECTOR OFFICE PANAKAL PARK
CHENNAI -600 017.
- 2.THE DISTRICT COLLECTOR
SALEM DISTRICT SALEM.
- 3.THE JOINT DIRECTOR
MUNICIPAL ADMINISTRATION
DISTRICT COLLECTOR OFFICE
SALEM DISTRICT.
- 4.THE COMMISSIONER OF CORPROATION
SALEM CORPORATION SALEM DISTRICT
- 5.THE DEPUTY COMMISSIONER OF CORPROATION
SOORAMANGALAM MANDALAM
SALEM DISTRICT.
- 6.THE THASILDAR
SALEM WEST TALUK SOORAMANGALAM SALEM-4
SALEM DISTRICT.



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7. THE VILAGE ADMINISTRATIVE OFFICER
JAGIR AMMAPALAYAM VILLAGE
SALEM DISTRICT.

8. MARUDAVEL
9. SENTHIL NATHAN
10. KATHIRESAN

: Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 7 to consider the representation of the petitioner dated 23.09.2022 in accordance with law by measuring the encroachment and unauthorized construction of Three Floor Building Constructed by the respondents 8 to 10 herein as per FMB Salem West Jagir Ammapalayam II-Division and act as per Salem City Corporation act and Demolish Fort with to secure the ends of justice

For the Petitioner : Mr.A.Ramesh

For the Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

(Made by the Hon'ble Acting Chief Justice)

Seeking a direction against respondents 1 to 7 to consider the representation of the petitioner dated 23.09.2022, the present writ petition has been filed.

2. Learned counsel for the petitioner submitted that respondents 8 to 10 have encroached upon a public road and have put-up unauthorised construction. Because of the encroachment, 12 feet road



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is now reduced to 9 feet road and the free flow of traffic is disturbed.

In this regard, the petitioner has made a representation dated 23.09.2022, to the official respondents to take action for removing the encroachment and unauthorised construction put-up by respondents 8 to 10. Since no order has been passed on the said representation, the present writ petition has been filed.

3. Learned Government Advocate submits that the respondents would consider and dispose of the representation of the petitioner within a reasonable time.

4. After hearing learned counsel on both sides, we are inclined to dispose of the writ petition by directing the first respondent – Director of Municipalities, to consider the representation of the petitioner dated 23.09.2022 and pass orders, on merits and in accordance with law, for removal of unauthorised constructions, after affording opportunities to the affected parties, within a period of twelve weeks from the date of receipt of a copy of this order. The second respondent District Collector shall direct the sixth respondent Tahsildar to survey the road and if any encroachment is found, to take action in accordance with law.



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5. The writ petition stands disposed of with the above direction.

There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
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Index : Yes/No
Neutral Citation : Yes/No
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