



W.P.(MD) No.790 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.790 of 2024

J.Jahir Hussain

... Petitioner

Vs.

1.The Tahsildar,
Palayamkottai,
Tirunelveli District.

2.The Commissioner,
O/o.The Tirunelveli Municipal Corporation,
Tirunelveli.

3.Mydeen Kasali

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondent Nos.1 and 2 to remove the



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encroachment made by the respondent No.3 in the portion of the public street in Old Survey No.2541/4B, New Survey No.145 TS No.154, Block No.5F, Ward No.AV, Keelaveeraragavapuram Part 3, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District within the time frame fixed by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.N.Satheesh Kumar,
Addl. Govt. Pleader for R1

Mr.S.P.Maharajan,
Spl. Govt. Pleader for R2

ORDER

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

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the Respondent Nos.1 and 2 to remove the encroachment made by the respondent No.3 in the portion of the public street in Old Survey No.2541/4B, New Survey No.145 TS No.154, Block No.5F, Ward No.AV, Keelaveeraragavapuram Part 3, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District within the time frame fixed by this Court.



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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, the third respondent has made encroachment in the property in question and in this regard, the petitioner has sent a representation on 30.11.2023 to the respondents 1 and 2 seeking to remove the encroachment made by the third respondent. Since no action was taken on the said representation, the petitioner has filed this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that necessary action will be taken for removal of the said encroachment.

5. Considering the limited scope of the prayer in the Writ Petition, without going into the merits of the case, we direct the second respondent to consider the representation of the petitioner dated 30.11.2023, after conducting survey in the property in question, if necessary and thereafter, take appropriate decision for



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removal of encroachment, if any, after providing opportunity to the petitioner as well as to the parties concerned and pass orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed. There shall be no order as to costs.

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

12.01.2024

Neutral Citation: Yes / No
Index : Yes / No

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