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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.4032 of 2023

J.Muthusamy ... Petitioner

-Vs-

1.The Commissioner,
Trichy City Corporation,
Promenade Road, Trichy-1.

2.The Assistant Commissioner,
K.Abhishekapuram Zone,
Trichy City Corporation, Trichy.

3.Ganesan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to remove the illegal encroachment committed by the 3rd respondent at Trichy District, Trichy Town, Pangali Street, Woraiyur, new Ward No.C, New Block No.17, New T.S.No.25, on the basis of the proceedings made in Na.Ka.No.F1/3742/2022 (Va.Ku.A5) dated

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09.11.2022, on the file of the Assistant Commissioner, Ward Committee, Trichy City Corporation, within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.S.Venkatesh
For R1 and R2 : Mr.R.Baskaran, Standing Counsel
For M/s.R.B.Law Associates

ORDER

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

This Writ Petition is filed seeking for a direction to the respondents 1 and 2 to remove the illegal encroachment committed by the 3rd respondent at Trichy District, Trichy Town, Pangali Street, Woraiyur, new Ward No.C, New Block No.17, New T.S.No.25, on the basis of the proceedings made in Na.Ka.No.F1/3742/2022 (Va.Ku.A5) dated 09.11.2022, on the file of the Assistant Commissioner, Ward Committee, Trichy City Corporation, within a stipulated period as may be fixed by this Court.

2.Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the respondents 1 and 2, by relying upon the counter affidavit filed by the Assistant Commissioner, Ward Committee Office-V, Trichy City Corporation, submitted that due to the pendency of this Writ Petition, no

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further action was taken by the 2nd respondent. The relevant portion of the counter affidavit reads as follows:-

> *"06.I humbly submit that the Respondent Corporation had issued the notice in Na.Ka.No.15930/2022/F1(Va.Ku.A5), dated 05.12.2022 to the 3rd Respondent regarding the encroachment and sought documents to prove that the 3rd Respondent's claim that the said property was given to his father, failing which the occupation of the 3rd Respondent would be considered encroachment and would be removed.*
>
> *07.I humbly submit that since no reply was received from the 3rd Respondent, the Respondent corporation issued the notice in Na.Ka.No.F1/13334/2022, dated 03.01.2023 to remove the encroachment made by himself failing which the same would be removed by the Respondent corporation.*
>
> *08.I humbly submit that in the meantime, the present writ petition came to be filed, and since the matter is pending before this Hon'ble Court, no further action was taken by this Respondent. The Respondent corporation is ready to remove encroachment subject to the order of this Hon'ble Court."*

3.Recording the counter affidavit filed by the 2nd respondent, this Writ Petition is disposed of with a direction to the 2nd respondent to take further action

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for removal of the encroachment in accordance with law, after issuing notice to the 3rd respondent and complete the same within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

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

26.02.2024

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

Yuva

To

1.The Commissioner,
Trichy City Corporation,
Promenade Road, Trichy-1.

2.The Assistant Commissioner,
K.Abhishekapuram Zone,
Trichy City Corporation, Trichy.

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AND

R.VIJAYAKUMAR, J.

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