



W.P.(MD) No.5865 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM:

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

AND

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

W.P.(MD)No.5865 of 2024

B.Radhakrishnan

... Petitioner

-Vs-

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Commissioner,
Madurai Corporation,
Madurai.
- 3.The Commissioner of Police,
Madurai City, Madurai.
- 4.The Revenue Divisional Officer / Chair Person,
Divisional Monitoring Committee for
Eviction of Encroachment,
Madurai Division, Madurai District.
- 5.The Assistant Commissioner,
Zone 3, Madurai Corporation,
Madurai.



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6.The Inspector of Police,
Karimedu Police Station,
Madurai City.

7.Chandrasekar

8.Kathirvel

9.Jeya

10.Mani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to remove the illegal encroachment made by the respondents 8 to 10 in the area earmarked as Cross Street on the either side of the C-12 Block in T.S.No.29, Block No.59, Survey Ward No.5, situated at 5th Street, Melaponnakaram Housing Board Colony, Madurai and restore the same its original position by considering the petitioner's representation dated 01.02.2024 within the time as stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For R1 & R4 : Mr.N.Satheesh Kumar,
Additional Government Pleader

For R2 & R5 : Mr.K.Sivabalan

For R3 & R6 : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

ORDER

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

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



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2.Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents 1 and 4, Mr.K.Sivabalan, learned counsel takes notice for the respondents 2 and 5 and Mr.S.S.Madhavan, learned Government Advocate (Crl.Side) takes notice for the respondents 3 and 6. Considering the nature of order going to be passed in this Writ Petition, notice to the respondents 7 to 10 is dispensed with.

3.According to the petitioner, his representation dated 01.02.2024, seeking removal of the encroachment made by the respondents 8 to 10 in the area earmarked as Cross Street on the either side of C-12 Block in T.S.No.29, Block No.59, Survey Ward No.5, situated at 5th Street, Melaponnakaram Housing Board Colony, Madurai, has not been considered so far by the official respondents. Therefore, he is constrained to move the present Writ Petition.

4.Considering the facts and circumstances of the case, without going into the merits of the case, we direct the 2nd respondent to consider the representation of the petitioner dated 01.02.2024 and pass appropriate orders on its own merits an in accordance with law, after providing opportunity to all the parties concerned as expeditiously as possible.



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5. With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
12.03.2024

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

Yuva

To

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner,
Madurai Corporation,
Madurai.
3. The Commissioner of Police,
Madurai City, Madurai.
4. The Revenue Divisional Officer / Chair Person,
Divisional Monitoring Committee for
Eviction of Encroachment,
Madurai Division, Madurai District.
5. The Inspector of Police,
Karimedu Police Station,
Madurai City.



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AND

R.VIJAYAKUMAR, J.

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