



W.P(MD)No.10848 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.10848 of 2023

Radhakrishnan

... Petitioner

vs.

1.The Assistant Commissioner,
WARD Committee Office,
Trichy City,
Trichy District.

2.P.Gopal
3.G.Anandhi
4.Arun
5.Mani

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to remove the encroachment made by the respondents 2 to 5 on the basis of the notice in Na.Ka.No.844/2023/F1/(Va.Ku/A-1).



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For Petitioner : Mr.K.Gokul
For Respondent No.1 : Mr.K.R.Kishore Ram
for M/s.R.B.Law Associates
For Respondent Nos.2 to 4 : Mr.C.K.M.Appaji
For Respondent No.5 : No appearance

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to remove the encroachment made by the respondents 2 to 5 on the basis of the notice in Na.Ka.No.844/2023/F1/(Va.Ku/A-1).

2.The specific allegation of the petitioner is that respondents 2 to 5 have encroached upon the platform and running fruit shops in front of his Aavin milk shop at South Chitrai Street, Srirangam.

3.The learned counsel appearing for the petitioner submitted that based on the representation of the petitioner, dated 06.02.2023, the first respondent/Assistant Commissioner, Trichy has sent a reply dated



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15.02.2023 to the petitioner stating that he has informed the encroachers to provide free access to the customers of the Aavin shop. However, till date, the encroachers have not responded to the same. Hence, the present Writ Petition has been filed.

4.Though the learned counsel appearing for respondents 2 to 4 has entered appearance on behalf of the respondents 2 to 4, no counter-affidavit has been filed so far.

5.In view of the above, though the first respondent has issued a direction only for shifting of the fruit shops of the private respondents and to provide free access to the petitioner's Aavin shop, if there is any obstructions for free flow of traffic or for having free access to the petitioner's Aavin shop, the first respondent is directed to take necessary action either for shifting or removal of encroachment in the said place in accordance with law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6.With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
02.01.2024

NCC : Yes / No
Index : Yes / No

To

The Assistant Commissioner,
Ward Committee Office,
Trichy City,
Trichy District.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 02.01.2024