



W.P(MD)No.12290 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.12290 of 2024

S.Muniyandi

... Petitioner

VS.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to remove the encroachment in old Survey No.433/1 and new Survey No. 970/5 in Avaniapuram, Madurai South Taluk in a time bound manner.

For Petitioner

: Mr.D.Senthil

For Respondent

: Ms.S.Devasena
Standing Counsel



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the respondent to remove the encroachment in old Survey No.433/1 and new Survey No.970/5 in Avaniapuram, Madurai South Taluk in a time bound manner.

2.It is an allegation of the petitioner that the land at old Survey No.433/1 and new Survey No.970/5 in Avaniapuram Village, Madurai South Taluk, belongs to the petitioner, where there has been an encroachment or occupancy by the respondent Municipal Corporation, therefore, in order to remove such encroachment or occupancy though attempt had been made by the petitioner, since those attempt has not yielded any results, he has approached this Court by filing the present Writ Petition seeking a writ of Mandamus as prayed herein.



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3.Heard Mr.D.Senthil learned counsel appearing for the petitioner and Ms.S.Devasena, learned standing counsel appearing for the respondent Municipal Corporation.

4.The learned standing counsel appearing for the respondent Municipal Corporation would submit that the said land originally was part of Avaniyapuram Town Panchayat and that has subsequently been merged with the Madurai Municipal Corporation. Therefore, during the time when it was under Avaniyapuram Town Panchayat, if at all any part of the land in Survey No.433/1 is taken up and used by the then Town Panchayat, that would be surveyed by the respondent Municipal Corporation and if really there has been any occupancy or encroachment by the respondent Municipal Corporation in the land in question belongs to the petitioner, suitable action would be taken to remove such encroachment.

5.The said submission made by the learned standing counsel appearing for the respondent Municipal Corporation is taken on record.



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6. Accordingly, there shall be a direction to the respondent Municipal Corporation to act upon the request of the petitioner, after surveying the land. If any encroachment is still found, of course, on behalf of the respondent or any other third party, the same shall be removed, within a period of three months from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
11.06.2024

NCC : Yes / No
Index : Yes / No
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To

The Commissioner,
Madurai Corporation,
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
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