



W.P.(MD) No.13014 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13014 of 2024

and

W.M.P.(MD) No.11552 of 2024

Alarmel Valli

... Petitioner

-VS-

- 1.The District Collector
Dindigul District
Dindigul-624 001
- 2.The Commissioner
Kodaikanal Municipality
Kodaikanal-624 101
Dindigul District
- 3.The Tahsildar
Kodaikanal Taluk
Kodaikanal-624 101
Dindigul District
- 4.The Inspector of Police (L&O)
Kodaikanal Police Station
Kodaikanal-624 101
Dindigul District



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5.St.Antony Church
rep.by its Authorized Signatory
Mapillai Mudali Road (MM Road)
6FMV+MQ3, Woodville Road
Kodaikanal Town
Kodaikanal-624 101

6.D.Selvam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to form a Park in the road margin abutting the MM Road and maintain the Municipality Land as a Splay / Park as per the Revenue Records by removing the encroachment by the respondents 5 and 6 in the Municipality Land / Road Margin (Splay), situated at Mappillai Mudali Road (MM Road), Kodaikanal Town, Kodaikanal-624 101, located in T.S.No.39, Block No.19, Ward No.C, Mappillai Road (MM Road), Kodaikanal Town, Kodaikanal, Dindigul District.

For Petitioner : Ms.J.Anandhavalli

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R3
Mr.T.S.Mohammed Mohideen
Standing Counsel for R2
Mr.T.Senthil Kumar
Additional Public Prosecutor for R4



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ORDER

R.MAHADEVAN, A.C.J.
And
G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 & 3, learned Standing Counsel for the second respondent and learned Additional Public Prosecutor for the fourth respondent.

2. Issuance of notice to the private respondents is dispensed with.

3. The writ petitioner is a very well known dancer. She has filed this writ petition for removal of the unauthorized construction at the road margin of Mappillai Mudali Road, Kodaikanal Town, Kodaikanal. The petitioner owns a property in that road. Learned counsel for the petitioner took us through the averments set out in the affidavit filed in support of the writ petition.

4. The allegations made by the petitioner are confirmed by the learned Standing Counsel appearing for the Local Body.



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5. We, therefore, direct the second respondent to issue notices to the private respondents calling upon them to remove the petition mentioned encroachments. After hearing them, if the second respondent is satisfied that the petitioner has made out a case, the petition mentioned encroachments shall be removed. This exercise shall be completed by the second respondent within a period of three months from the date of receipt of a copy of this order. We make it clear that we have not gone into the merits of the matter. All the contentions and defence of the private respondents are left open.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., A.C.J.]

[G.R.S., J.]

19.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk / ias



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