



W.P(MD)No.13969 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM:

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

W.P(MD)No.13969 of 2024

B.Gandhilal

... Petitioner

VS.

- 1.The Commissioner,
Madurai Corporation,
Madurai District.
- 2.The Assistant Commissioner,
(South Zone-IV),
Madurai Corporation,
Madurai District.
- 3.The Town Planning Officer,
Town Planning Section,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai District.
- 4.The Sub-Inspector of Town Survey,
Land Survey Section,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai District.



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5.The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.

6.Srinivasan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment made by the sixth respondent in the public pathway in Jadamuni Kovil lane No.1 in Ward No.18, Madurai Town, Madurai District and to direct the fifth respondent to provide adequate police protection and assistance to the respondents 1 to 4 for the removal of the said encroachment made by the sixth respondent based on the petitioner's representation, dated 21.05.2024.

For Petitioner

: Mr.M.C.Inbahar

For Respondents

: Mr.S.Vinayak
Standing Counsel
for R.1 to R.4

: Mr.S.S.Madhavan
Government Advocate (Crl.Side)
for R.5

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 respondents 1 to 4 to remove the illegal



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encroachment made by the sixth respondent in the public pathway in Jadamuni Kovil lane No.1 in Ward No.18, Madurai Town, Madurai District and to direct the fifth respondent to provide adequate police protection and assistance to the respondents 1 to 4 for the removal of the said encroachment made by the sixth respondent based on the petitioner's representation, dated 21.05.2024.

2.Heard Mr.M.C.Inbahar, learned counsel appearing for the petitioner and Mr.S.Vinayak, learned standing counsel appearing for the respondents 1 to 4 and Mr.S.S.Madhavan, learned Government Advocate (Criminal Side) appearing for the fifth respondent. In view of the order that is going to be passed in this Writ Petition, notice to the sixth respondent is hereby dispensed with.

3.It is the allegation of the petitioner that the sixth respondent had been in encroachment of a public pathway at Jadamuni Kovil lane No.1 in Ward No.18, Madurai Town, Madurai District and in order to remove such encroachment, the petitioner had given a representation on 21.05.2024 to the official respondents. Since the official respondents have not acted upon, the present Writ Petition has become necessitated.



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4.Mr.S.Vinayak, learned standing counsel appearing for the respondents 1 to 4 would submit that they are ready and willing to conduct a survey with regard to the allegation that has been made by the petitioner and after completing the survey in the presence of the sixth respondent as well as the petitioner, suitable action would be taken if there has been any encroachment on the part of either the sixth respondent or any third party.

5.The said submission made by the learned standing counsel appearing for the respondents 1 to 4 is taken on record.

6.Having regard to the same, this Court is inclined to dispose of this Writ Petition with the following orders:

'That there shall be a direction to the respondents 1 to 4 to conduct a survey of the land in question, as complained by the petitioner through his representation, dated 21.05.2024 against the sixth respondent for the alleged encroachment, after giving notice to the sixth respondent and in the presence of the



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sixth respondent and the petitioner or any other persons, who are interested over the property, the survey can be conducted and after completing the survey, if the official respondents find any encroachment has been made by the sixth respondent or any other persons, suitable action in accordance with law can be taken. These measures can be completed within a period of three months from the date of receipt of a copy of this order.'

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

[R.S.K.,J.] [G.A.M.,J.]
28.06.2024

NCC : Yes / No
Index : Yes / No
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ORDER MADE IN
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