



W.P(MD)No.14515 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2024

CORAM:

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

W.P(MD)No.14515 of 2024

A.Navaneethakrishnan

... Petitioner

VS.

1.The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maaligai,
Thallakulam,
Madurai - 625 002.

2.The Assistant Executive Engineer (Planning),
West Zone,
Madurai City Municipal Corporation,
TPK Old Municipal Office,
Madurai-625 005

3.The Tahsildar,
Madurai South Taluk Office,
Madurai District.

4.N.Marichamy

5.G.Saraswathy

6.A.Thirumoorthy

... Respondents



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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 3 herein to remove the encroachments made by the respondents 4 to 6 on the 25 feet road situated at S.No.512/11A1B of Avaniyapuram Village, Madurai South Taluk, Madurai District by considering the representation of the petitioner dated 15.04.2024 within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Ms.S.Devasena
standing counsel
for R.1 & R.2

: Mr.A.Kannan
Additional Government Pleader
for R.3

ORDER

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

The petitioner one A.Navaneethakrishnan has filed this Writ Petition with the prayer of a Writ of Mandamus, seeking a direction to the respondents 1 to 3 to remove the encroachments said to have been made by the respondents 4 to 6 on 25 feet road situated at S.No.512/11A1B of Avaniyapuram Village, Madurai South Taluk, Madurai District.



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2.Heard Mr.C.Gangai Amaran, learned counsel appearing for the petitioner.

3.We have gone through the materials that have been filed in support of this case in the typed set of documents, where atleast in 3 pages, 6 photographs in colour have been filed by the petitioner. On seeing the photographs, we do not find any encroachment and in fact, it shows the plain surface.

4.In one photograph, some materials have been procured that is nothing but to make the surface motorable of the road concerned. Even that photograph also had been taken and filed by the petitioner.

5.Since the road itself is a mud road and during the rainy season, it would be more muddier and it may be difficult for motoring including two-wheelers, therefore, that arrangement could have been made. Absolutely there has been no encroachment, whatsoever in the said stretch of the road, as suggested by the photographs which have been filed in fact by the petitioner.



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6. When we specifically asked the question as to what was the encroachment which the petitioner wanted to remove, there was no clear answer from the learned counsel appearing for the petitioner. Therefore, we have no hesitation to dismiss this Writ Petition, of course, with costs. However, at the request of the learned counsel appearing for the petitioner, we refrain ourselves from imposing a cost. As the Writ Petition is completely undeserved to be considered, this Writ Petition fails. Hence, it is dismissed. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
03.07.2024

NCC : Yes / No
Index : Yes / No
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
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