



W.P(MD)No.7058 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM:

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

**W.P(MD)No.7058 of 2018
and
W.M.P(MD)No.6746 of 2018**

A.Kamaraj Kumar

... Petitioner

VS.

- 1.The District Collector,
Thoothukudi District.
- 2.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.
- 3.The Tahsildar,
Taluk Office,
Thoothukudi – 628 001.
- 4.Thoothukudi Kilai Tamil Nadu Illathu
Pillaimar Sangam, R.C.No.46/2000,
Through its President,
Arunagiri,
(Previously called as Illathar Valibar Sangam),
Registration No.14/1945-1946,
No.2, Thiraviapuram 2nd Street,
Thoothukudi – 628 002.

... 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, to direct the respondents 1 to 3 to remove the fence put up by the fourth respondent in T.S.No.4801/4 earmarked as Ponnagaram Street, Thoothukudi Taluk and District in considering the petitioner's representation dated 07.03.2018.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondent Nos.1 & 3	: Mr.T.Amjadkhan Government Advocate
For Respondent No.2	: Mr.N.Anandkumar
For Respondent No.4	: Ms.P.Jessi Jeeva Priya

ORDER

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

Prayer in this Writ Petition is to direct the respondents 1 to 3 to remove the fencing put up by the fourth respondent in T.S.No.4801/4 earmarked as Ponnagaram Street, Thoothukudi Taluk and District by considering the petitioner's representation, dated 07.03.2018.



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2.Today, when the matter was taken up for hearing, learned counsel appearing for the second respondent, on instructions, would submit that notice has been sent to the fourth respondent Society vide proceedings in Na.Ka.No. /0077/2024/F1, dated 30.01.2024, however, they refused to receive the said notice and hence, the same has been affixed in the door of the building and necessary action will be taken for removal of encroachment in the property in question, which is classified as 'street'.

3.The fourth respondent has filed a counter-affidavit refuting the the above submissions of the petitioner.

4.Considering the facts and circumstances of the case, we direct the second respondent to take further course of action for removal of encroachment in accordance with law, after providing due opportunity to the parties concerned. However, it is open to the fourth respondent to place the materials available with them before the authority concerned. If any material has been placed by the fourth respondent to establish the fact that the said property is not classified as a street, the second respondent/the Commissioner shall also consider the same. The said exercise shall be



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completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
31.01.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
Thoothukudi District.
- 2.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.
- 3.The Tahsildar,
Taluk Office,
Thoothukudi – 628 001.



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

ps

ORDER MADE IN
W.P(MD)No.7058 of 2018

DATED : 31.01.2024