



W.P(MD)No.16196 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM:

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

W.P(MD)No.16196 of 2018

T.Gopalakrishnan

... Petitioner

VS.

The Commissioner,
Madurai Corporation,
Madurai – 625 020.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.10.2017 and to restore the peaceful possession and enjoyment of the property to the petitioner.

For Petitioner

: Mr.J.Alaguram Jothi

For Respondent

: Mr.S.Vinayak



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ORDER

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

Prayer in this Writ Petition is to direct the respondents to consider the petitioner's representation, dated 23.10.2017 and to restore the peaceful possession and enjoyment of the property to the petitioner.

2. According to the petitioner, admittedly, the property comprised in Old Survey No.1879, New Survey No.15 of Block No.22 in Revenue Ward No.II, Mahalipatti Lane belonged to the joint family and without the consent of the petitioner, the respondent Corporation has illegally encroached the private property and laid road. Hence, the petitioner made a representation dated 23.10.2017 to the respondent. Till date, no action has been taken. Hence, the present Writ Petition has been filed.

3. According to the respondent Corporation, the respondent has laid road in T.S.No.1 and the respondent has also produced the FMB sketch before this Court by marking the road portion.



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4.Considering the fact that the respondent has not laid road in the petitioner's property, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. However, if the petitioner being aggrieved by the same, it is open to him to approach the appropriate forum in the manner known to law. No costs.

[D.K.K.,J.] [R.V.,J.]
28.02.2024

NCC : Yes / No
Index : Yes / No
ps

To

The Commissioner,
Madurai Corporation,
Madurai – 625 020.



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

ps

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