



W.P.(MD) No.22197 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.22197 of 2024

A.Prabakaran

... Petitioner

-VS-

- 1.The District Collector,
Collectorate Campus,
Madurai,
Madurai District.
- 2.The Assistant Commissioner of Corporation,
Zone III, (Central) Corporation of Madurai,
Madurai – 1.
- 3.The Executive Engineer,
Vaigai Mullai Periyar Bit – 1,
Public Works Department,
Water Resources Management,
Madurai.
- 4.Radhika
- 5.Meganathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachments made by the 4th and 5th respondents on the western Bank of Chinthamani Canal to an extent of 100 feet length at a width of



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approximately 10 feet out of 39 feet commencing from his residence running towards North, put up car sheds and connected with west ponnagaram 12th Street, Corporation Drainage West Ponnagaram comprised in T.S.No. 1020 1021/B, 1014/1A1, 1015/2, 102/1G, 1065, 1919/1A, 1060/1A and 1021/2A.

For Petitioner	: Mr.R.Murugan
For Respondents 1 & 3	: Mr.P.Thilak kumar Government Pleader
For 2 nd Respondent	: Mr.Vidya Sager, Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilak kumar, learned Government Pleader takes notice for the respondents 1 and 3. Mr.Vidya Sager, learned Standing Counsel takes notice for the 2nd respondent.

2.Since there was a dispute as to whether pipe that was fixed by the respondents 4 and 5 to drain the sullage water from the house into the canal has been completely blocked or not, we had requested Mr.M.Padma Kumar, learned Advocate to inspect the area and report to us. After carrying out the inspection, he had filed photographs to show that the drain was completely blocked. He also submits before us that the drain is fully blocked. Hence, the issue relating to drainage of water remains resolved.

3.Mr.Vidya Sager, learned Standing Counsel for the Corporation would submit that the Corporation has removed the gates and the car shed



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that was constructed. The photographs showing removal of the car shed have also been produced.

4.The only issue that remains is the compound wall constructed by the 4th respondent by encroaching upon the Government land. It is admitted that the compound wall is an encroachment.

5.Mr.Vidya Sager, learned Standing Counsel would further submit that the Corporation is taking all steps to remove the encroachment.

6.The Corporation shall ensure that proper steps are taken and the encroachment is removed within stipulated time. The notices required under Section 128 shall be issued within a period of four weeks from the date of receipt of copy of this order. We direct the petitioner and the 4th respondent to pay a sum of Rs.10,000/- each to the Advocate Commissioner by 17.10.2024. Post on 18.10.2024 'for compliance' regarding the payment of Commissioner fee alone.



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7.The Writ Petition is disposed of with the above observation. No Costs.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn

To

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- 2.The Assistant Commissioner of Corporation,
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Madurai – 1.
- 3.The Executive Engineer,
Vaigai Mullai Periyar Bit – 1,
Public Works Department,
Water Resources Management,
Madurai.
- 4.Mr.M.Padma Kumar (Enrollment No.3406/2023),
Advocate Commissioner,
3/373, St. Peter's Church Road,
Iyer Bungalow, Madurai.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

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