



W.P(MD)No.23282 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.03.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P(MD)No.23282 of 2018

Angamuthu

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.
- 3.The Commissioner,
Devakottai Municipality,
Devakottai,
Sivagangai District.
- 4.Mr.A.Velusamy
5. R.Balasubramanian

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to

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take appropriate action against the 4th and 5th respondents for removing the illegal, unauthorized construction made in Town Survey No.85, Block No.5, Town ward - J, Chithambaranathapuram 1st Street, Devakottai Municipal Town, Devakottai, Sivagangai District by encroaching by the public channel of the 3rd respondent Municipality as well as without any building plan approval.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 & R2
Mr.H.Mohammed Imran for R3
No Appearance for R4
Mr.A.Saravanan for R5

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The learned counsel for the petitioner submits that there is an encroachment caused in Town Survey No.85, Block No.5, Town ward - J, Chithambaranathapuram 1st Street, Devakottai Municipal Town, Devakottai, Sivagangai District by respondent Nos.4 and 5. According to him, the said land in Survey No.85 is a public channel.



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2. According to the learned Advocate for respondent No.5, respondent No.4 was an encroacher and not respondent No.5.

3. The learned Government Pleader submits that the said land vests with the Municipality.

4. The petitioner may file a fresh application with the Municipality. The Municipality shall consider the said application and take a decision upon it on its own merits and in accordance with law after following the principles of natural justice, preferably, within six months from the date of application being made to it.

5. This Writ Petition is disposed of. No Costs.

(S.V.G., CJ.)

(M.S.K., J.)

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NCC : Yes/No
Index : Yes/No
vsm



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