



WEB COPY

WP No. 39487 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 39487 of 2024

1. Mrs.K.Kannammal
W/o.Kandaswamy,
No.51-D3,
Giri Nagar, Sankari Town,
Salem District.

Petitioner(s)

Vs

1. The Commissioner
Komarapalayam Municipality,
Salem Main Road, Komarapalayam 638183.

2.THASILDAR
Komarapalayam, Namakkal District.

3.The Assistant Executive Engineer/ O And M
Tangedco Kumarapalayam,
Namakkal District.

4.Karthick Raja
S/o Sundarraj, Gandhiadigal Street, Edappadi



Road, Komarapalayam 638183.

Respondent(s)

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PRAYER

Directing the 1st and 2nd respondents to remove unauthorised construction made by 4th respondent put up in Komarapalayam Agraharan Village, Namakkal Village, Gandhi Adigal Street situate in S.No. 109, 118 as per petitioners representation dated 23.04.2023.

For Petitioner(s):	Mr.A. Tamilvanan
For Respondents	Mr.T.Chandrasekaran Special Government Pleader for R1 Mr.E.Veda Bagathsingh, Special Government Pleader for R2 Ms.Sindhuza. M.S for Mr.L.Jaivenkatesh, Senior Counsel for TANGEDCO for R3

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Writ of Mandamus has been instituted to direct the respondents 1 and 2 to remove the unauthorised construction made by the 4th respondent put up in Komarapalayam Agraharan Village, Namakkal Village, Gandhi Adigal Street situate in S.No. 109, 118 as per petitioner's representation dated 23.04.2023.

2. The 4th respondent has encroached upon the public road and constructed a temporary building. The Authorities during inspection found that the construction is wholly unauthorised. Thus, action was initiated and notice



was issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998.

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3. In view of the fact that the respondents have initiated action and issued notice to remove the encroachment, the respondents 1 to 3 are directed to complete the procedure, as contemplated under the Act and ensure that the encroachments are removed and the public road is maintained free from encroachments for public usage. The said exercise is directed to be completed within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

11-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Main Road, Komarapalayam 638183.
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- 3.The Assistant Executive Engineer/ O
And M
Tangedco Kumarapalayam, Namakkal
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- 4.Karthick Raja
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**S.M.SUBRAMANIAM
J.
AND
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