

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.10328 of 2015

and

M.P. No.1 of 2015

T. Rajasekaran

...Petitioner

vs.

1 The District Collector
Kancheepuram District
Kancheepuram

2 The Tahsildar
Sholinganallur Taluk Office
Sholinganallur
Chennai 600 119

3 The JPR Educational Trust
represented by its Chairman
Semmancherry
Chennai 600 119

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the third respondent on the common passage / cart track (Vandipathai) adjacent to the petitioner's property bearing Survey No.367/2, as per patta present Survey Nos.367/2B and 367/2C, Semmancherry Village, Sholinganallur Taluk, Kancheepuram District and to remove the drainage pipe line put up underneath the petitioner's land as mentioned above.

For petitioner : Mr. S. Udayakumar
For RR 1 & 2 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for respondents 1 and 2. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 and 2, the writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the third respondent on the common passage / cart track (Vandipathai) adjacent to the petitioner's property bearing Survey No.367/2, as per patta present Survey Nos.367/2B and 367/2C, Semmencherry Village, Sholinganallur Taluk, Kancheepuram District and to remove the drainage pipe line put up underneath the petitioner's land, as mentioned above.

3 With regard to the relief sought in this writ petition, the petitioner has addressed a representation dated 27.12.2014 to the first respondent-District Collector, Kancheepuram.

4 The learned counsel for the petitioner submits that it would suffice if a direction is given to the first respondent to consider and pass orders on the petitioner's representation dated 27.12.2014, within a time frame.

5 In view of the limited relief sought by the learned counsel for the petitioner, this writ petition is disposed of by directing the first respondent to consider and pass orders on the petitioner's representation dated 27.12.2014 on merits and in accordance with law and also take further consequential action, if on proper survey and inspection of the lands in question, it is found that there exists encroachment, as claimed by the petitioner. Needless to state that while doing so, an opportunity of hearing be given to the third respondent. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above directions and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AD-I)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The District Collector
Kancheepuram District
Kancheepuram
- 2 The Tahsildar
Sholinganallur Taluk Office
Sholinganallur
Chennai 600 119

1 CC to Mr. S. Udayakumar, Advocate SR.No. 19750

W.P. No.10328 of 2015

AK (CO)
PSI (24.04.2015)

सत्यमेव जयते
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