

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.31305 of 2014

.....

1 Mrs. K. Vijayalakshmi .. Petitioner

Vs

1 The Tahsildar,
Ambattur,
Chennai-53

2 The Commissioner,
Avadi Municipality,
Avadi,
Chennai.54.

3 The RDO,
Ambattur taluk,
Ambattur, Chennai.54.

4. R. Murgaiah
(Impleaded as per order dated
8.12.2014 in MP No.1/14)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to take immediate and necessary steps to remove the illegal and unauthorised encroachment caused on the 20 feet approved road at Vivekananda Nagar and restore the only access to the various approved subdivided plots vide approval dated 22.2.2005 in No.1384/05/F1, approved by the Avadi Municipality vide planning permit B9481.

For petitioner :: Mr. P.B. Balaji

For respondents :: Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 & R3
Mr. P. Srinivas - R2
No Appearance - R4

ORDER

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

Mr. P.S.Sivashanmughasundaram, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 3 and Mr. P. Srinivas, learned counsel accepts notice on behalf of R2. None appeared nor any representation made on behalf of R4, despite service of notice.

2. The case of the petitioner is that he has made a representation dated 15.09.2014 to the respondents 1 to 3 pointing out the encroachment on the 20 feet road causing inderance and obstruction in the public pathway on Survey No. 461/2, 3,4 situate at Vivekananda Nagar, No.16 Thirumullaivoil Village, Ambattur Taluk, Thiruvallur District. Despite representation, no steps have been taken by the respondents 1 to 3 till date.

3. Having regard to the grievance of the petitioner that there is an encroachment on the public road, we direct the respondents 1 to 3 to examine the facts as to whether there is any alleged encroachment causing obstruction on the road, on the basis of the petitioner's representation dated 15.9.2014 and pass appropriate orders after issuing proper notice to the fourth respondent. The respondent Nos.1 to 3 are further directed to take appropriate steps, if the allegation of the petitioner is found correct, in accordance with law and on its own merits. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

1 The Tahsildar,
Ambattur,
Chennai-53

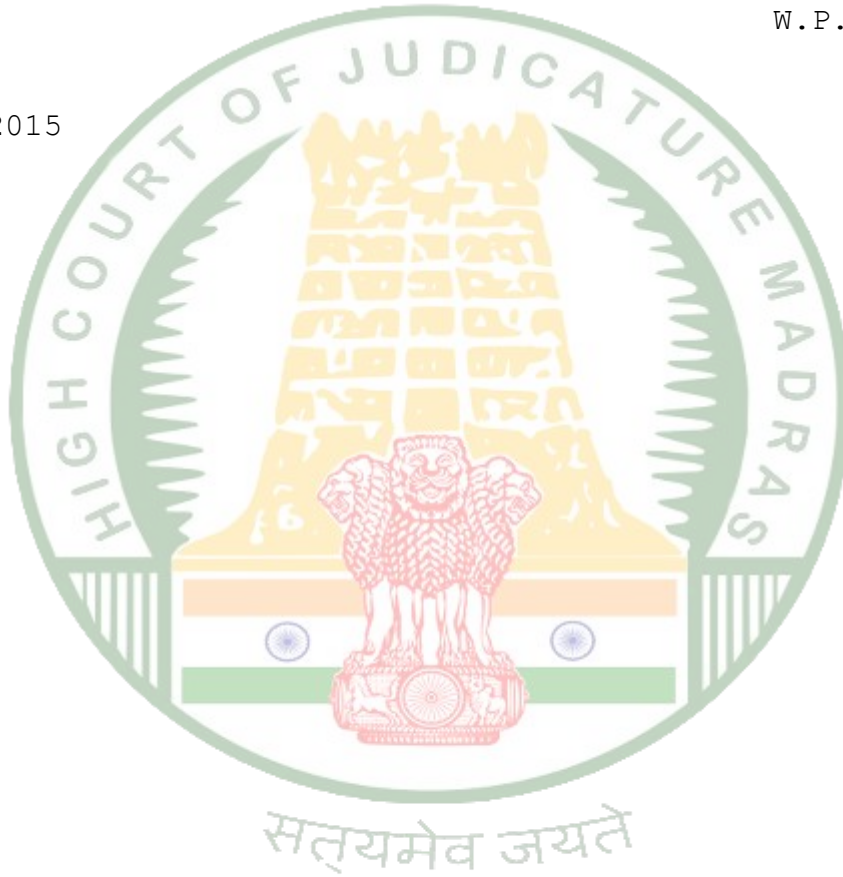
2 The Commissioner
Avadi Municipality
Avadi,
Chennai.54.

3 The RDO,
Ambattur taluk,
Ambattur, Chennai.54.

1 cc to Mr. P.B. Balaji, Advocate, SR.No.6078
1 cc to Mr. P. Srinivas , Advocate, SR.No.5674
1 cc to Government Pleader, Sr.No6010

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