

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

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

W.P. No.12412 of 2015

and

M.P. No.1 of 2015

S. Vijaya

...Petitioner

vs.

- 1 The District Collector
District Collector Office Compound
Kanchipuram District
- 2 The Revenue Divisional Officer
Kanchipuram District
Kanchipuram Collector Office Compound
Kanchipuram
- 3 The Tahsildar
Tambaram Taluk
Opp. MEPZ
Tambaram
Chennai 600 045
- 4 The Executive Officer
Peerankaranai Town Panchayat
Peerankaranai
Kanchipuram District

5 C. Vijayan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus mandamus directing the respondents 1 to 4 to take appropriate action against the fifth respondent and other encroachers from in any manner encroaching the existing 50 ft.

Erikarai Road, Dr. Bharath Ratna M.G.R. Salai of Peerankaranai Village, Kanchipuram District, situated on the southern side of the petitioner's property on the basis of the petitioner's representation dated 07.04.2015 and consequently, direct them to safeguard the said 50 ft. public road from the encroachers.

For petitioner : Mr. M. Vijay Anand
For RR 1-3 : Mr. N. Sakthivel, Govt. Advocate
For R4 : Mr. S. Pattabiraman

ORDER

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

Alleging that there is an encroachment on the 50 ft. Erikkarai Road at Dr. Bharath Ratna M.G.R. Salai, Peerankaranai, Chennai 600 063, the petitioner has addressed many a representation to the authorities right from 2006 and her last representation in this regard is dated 07.04.2015. Since no action has been taken by the authorities till date pursuant to her representations, the petitioner has filed the instant writ petition, seeking a limited relief of a direction to the official respondents to take appropriate action based on her latest representation dated 07.04.2015.

2 Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 to 3. Mr. S. Pattabiraman, learned counsel, accepts notice for the fourth respondent. It is not necessary to issue notice to the fifth respondent, as it is a case of only consideration of the petitioner's representation and no decision can be taken on the said representation without affording an opportunity of hearing to the fifth respondent. Thus, with the consent of the learned counsel for the petitioner, the learned Government Advocate appearing for respondents 1 to 3 and also the learned counsel for the fourth respondent, we are passing this order at the admission stage itself, without issuing notice to the fifth respondent.

3 Considering the limited nature of the relief sought by the petitioner, we direct the official respondents to consider and pass orders on the petitioner's representation dated 07.04.2015 on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the petitioner and the alleged encroachers, including the fifth respondent, shall be given a due opportunity of hearing before orders are passed on the petitioner's representation. It is made clear that

each and every submission averred by the petitioner in her representation is to be adverted to and a reasoned order is required to be passed.

4 With the above direction and observation, the writ petition stands disposed of. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar(Vacatioin Officer)

//True Copy//

cad Sub Assistant Registrar

To

- 1 The District Collector
District Collector Office Compound
Kanchipuram District
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Peerankaranai Town Panchayat
Peerankaranai, Kanchipuram District

1 CC to M/s. Sree Sun Associates, Advocate SR.No. 22445

1 CC to the Government Pleader, SR.No. 22924

W.P. No.12412 of 2015

CTK (CO)

PSI (07.05.2015)