

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.11804 of 2014

M.S. Babu

Petitioner

Vs

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Tahsildar,
Thiruvannamalai.
3. The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.
4. The Chairman,
Thiruvannamalai Municipality,
Thiruvannamalai.
5. Mr. Shankar
6. Krishnammal
7. Kamala
8. Lakshmi
9. Aadhilakshmi
10. Indrani
11. S. Adhilaxmi
12. P. Bagayawathi
13. M. Saroja
14. P. Selvamani
15. S. Selvi

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 3rd respondent to remove the illegal encroachment made by the respondents 5 to 15 in the Municipal street at Ramji Nagar , Thiruvannmalai, in accordance with law and grant such other relief.

For petitioner

:: Mr. G. Rajan

For respondents :: Mr. P.S.Sivashanmugasundaram
 Spl. Govt. Pleader - R1 & R2
 No Appearance - R3 to R15

ORDER

The petitioner, who claims to be a resident of Vazhaithottam Stret, Thiruvannamali, has come up with this writ petition seeking a direction to the Thiruvannamalai Municipality to take necessary steps for removal of illegal encroachment made on the road at Ramji Nagar, Thiruvannamalai, by the respondents 5 to 15.

2. Despite service of notice, none appears on behalf of the respondents 3 and 4/ Municipality and also for the private respondents 5 to 15.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that a direction may be issued to the authorities to take necessary steps for removal of the alleged encroachment, on the Government land, if it is so, after proper inspection and verification.

4. The entire petition is projected on the basis of certain allegations, which cannot be accepted, on the basis of self-serving averments in the affidavit. Thus, we deem it fit and proper to direct the respondents 1 and 2 / District Collector, Thiruvannamalai District and the Tahsildar, Tiruvannamalai, to have proper spot inspection and thereafter issue appropriate direction to the concerned authorities including the municipality to initiate action for removal of the alleged encroachment. Needless to state that all the alleged encroachers including the respondents 5 to 15 are entitled to an opportunity of hearing before any action is taken against them. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Tahsildar,
Thiruvannamalai.
3. The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.
4. The Chairman,
Thiruvannamalai Municipality,
Thiruvannamalai.

1 cc to Mr. G.Rajan, Advocate Sr.No.28846
1 cc to Government Pleader Sr.No.28767

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sai(co)
pmk.19.6.2015



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