

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16-06-2015

CORAM:

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

W.P.No.14083 of 2015

P. Thanthoni

Petitioner

Vs

- 1 The Secretary to Government
Public Works Department ,
office of the Secretariat,
St. George Fort, Chennai.
- 2 The District Collector,
Office of the Collectorate,
Kancheepuram District, Kancheepuram.
- 3 The District Revenue Officer,
Office of The District Revenue Division,
Kancheepuram District, Kancheepuram
- 4 The Revenue Divisional Officer,
Office of The District Revenue Division,
Kancheepuram District, Kancheepuram
- 5 The Tahsildar,
Taluk Office, Sriperumbudur Taluk Office,
Sriperumbudur, Kancheepuram District
- 6 The Village Administrative Officer,
No.54 Mevallurkuppam B Village ,
Nayapakkam Road, Valar Puram Post,
Sriperumbudur Taluk,
Kancheepuram District-602 105.
- 7 The Junior Engineer,
Tamil Nadu Electricity Board, Thandalam,
Sriperumbudur,
Kancheepuram District-602 105.

Respondents

Petition filed under Article 226 of the Constitution of India
praying for a writ of Mandamus directing the respondents to remove
the encroachment made by 1) Mr.P.Bhathavatchalam S/o.Punniyakotti 2)

Mrs.Kannaki W/o.Mr.P.Bhathavatchala and 3) Mr.B.Murugan S/o.Mr.P. Bhathavatchalam in the water reservoir Kannadapalaya Kuttai (Pond) and common Road i.e. 24 feet wide Kuttai road comprised in Survey No.532 No.54 Mevallurkuppam B Block Pazhanchur Village Sriperumbudur Taluk Kancheepuram District encroachment measuring 5548 sq.ft. including structures and Electricity service Connection by implementing the order of the second respondent dated 15.3.2013 Ref. No.Na.8078/ 13/Aa-2 and by considering the petitioner representation dated 30.3.2015.

For petitioner :: Mr.M. Manivannan

For respondents :: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader R1 to R6
Not appearance R7

ORDER

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

The petitioner, who is stated to be a resident of Pazhanchur Village, Sembarabakkam Post, Chennai, has come up with the instant writ petition seeking a direction to remove the encroachment made by 1)Mr.P.Bhathavatchalam, S/o.Punniyakotti, (2) Mrs.Kannaki W/o.Mr.P.Bhathavatchala and 3) Mr.B.Murugan S/o.Mr.P.Bhathavatchalam in the water reservoir Kannadapalaya Kuttai (Pond) and common road i.e. 24 feet wide Kuttai road comprised in Survey No.532 No.54 Mevallurkuppam B Block Pazhanchur Village, Sriperumbudur Taluk, Kancheepuram District.

2 It is contended by the learned counsel for the petitioner that on considering the petitioner's representation dated 04.03.2013, the District Collector, Kancheepuram, had sent a communication on 15.03.2013 to the Tahsildar, Sriperumbudur to initiate action for removal of the encroachment made in Survey No.532, No.54, Mevallurkuppam B Block Pazhanchur Village Sriperumbudur Taluk, Kancheepuram District.

3 Pursuant to our notice dated 01.06.2015, the fifth respondent/ Tahsildar, Sriperumbudur Taluk, has filed an affidavit dated 15.06.2015 stating that in respect of the representation for removal of the encroachment in S.No. 532/3, after proper measurement, the encroachment was removed on 10.7.2013. One small house with asbestos sheet measuring 200 sq.ft. could not be removed on the request made by the occupant of the said house as he wanted one month time, but the same has also been removed now.

4 Before parting with the matter, we must point out that the petitioner has sought a direction for removal of encroachment against three persons viz., 1) Mr.P.Bhathavatchalam S/o.Punniyakotti 2) Mrs.Kannaki W/o.Mr.P.Bhathavatchala and 3) Mr.B.Murugan

S/o.Mr.P.Bhathavatchalam, without impleading them as parties/respondents. In normal circumstance, such a petition without impleading proper parties is liable to be dismissed as not maintainable for non joinder of the parties. No specific direction can be given without impleading them as parties/respondents.

5 In that view of the matter, no further direction is necessary in this writ petition. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

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Kancheepuram District-602 105.

+2 cc to Mr.M.Manivannan, Advocate,SR.29991.

+1 cc to Government Pleader,SR.29378.

Br (CO)
KRD 25/6

W.P.No14083 of 2015



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