

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.14727 of 2015

Dr.P.Elangovan

...Petitioner

Vs.

1. The District Collector
Collectorate, Ariyalur.
2. The Sub-Collector/RDO
RDO Office
Ariyalur Division, Ariyalur.
3. The Commissioner (I/C)
Ariyalur Township
Ariyalur.
4. The Inspector of Police
Ariyalur Division
Ariyalur.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 21.04.2015 and to give police protection to the petitioner and consequently to direct the respondents to remove the encroachment as per the recommendation of the third respondent.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

(Order of the Court is made by R.SUBBIAH,J.)

This Writ Petition has been filed for a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 21.04.2015 and to give adequate police protection to the petitioner and consequently to direct the respondents to remove the encroachment as per the recommendation of the third respondent.

2. According to the petitioner, he is a Doctor and he has purchased the land comprised in S.F.No.555/45, Ariyalur, measuring an extent of 15696 sq.ft. from one Prem Anand under registered sale deed dated 04.03.2011. While so, one Govindaraju, without any legal title, paid property tax in his name in respect of the property in question and got electricity service connection in his name. The petitioner preferred a complaint against the said Govindaraju. On the complaint lodged by the petitioner, an enquiry was conducted by the third respondent. The petitioner appeared in person before the third respondent and produced all the relevant records to establish his title in respect of the property in question. The third respondent ultimately has come to the conclusion that the said Govindaraju is not having any legal authority to pay property tax and accordingly, passed an order on 18.06.2012 and thus, the property tax which was standing in the name of Govindaraju was cancelled. Pursuant to which, Govindaraju and his three sons encroached upon the petitioner's property without any authority and running Aqua Pure Mineral Water Sales Service. While so, the Food Safety Officer, Ariyalur, issued proceedings dated 23.12.2014, by cancelling the licence to the said Agency. The third respondent has also issued a proceedings dated 03.10.2013 to the first respondent recommending to remove the encroachments with the help of police protection. The petitioner also gave a representation to the first respondent in person on 16.03.2015 to remove all the encroachments with the help of Police Department as recommended by the third respondent. But, the said representation was not considered so far. Again on 23.02.2015, the petitioner gave a representation to the first respondent to take appropriate action to remove the encroachments. Aggrieved by the inaction of the first respondent, the petitioner has filed W.P.No. 10280 of 2015 directing the first respondent to remove the encroachment. This Court by order dated 10.04.2015, directed the petitioner to give a fresh representation. Accordingly, the petitioner has given a fresh representation to the third respondent on 21.04.2015. Even that representation was not considered. Hence,

aggrieved against the same, the petitioner has come forward with the present Writ Petition.

3. Heard Mr.S.Gunalan, learned counsel appearing for the petitioner and Mr.R.Vijaya Kumar, learned Additional Government Pleader, who takes notice for the respondents. By consent of parties, the main Writ Petition itself is taken up for final disposal.

4. Taking into consideration of the limited scope of the prayer and also the fact that the representation dated 21.04.2015 is pending for the past 20 days, we are of the considered opinion that it will be appropriate to direct the third respondent to consider the representation of the petitioner, dated 21.04.2015, after issuing notice to Govindaraju or any other affected persons and shall pass appropriate orders after hearing the parties concerned, on merits and in accordance with law, within a time frame.

5. In the result, considering the limited scope of the prayer, without going into the merits of the case, the third respondent is hereby directed to consider the representation of the petitioner dated 21.04.2015, after issuing notice to Govindaraju or any other affected persons and shall pass appropriate orders after hearing the parties concerned, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

paa

To

1. The District Collector
Collectorate, Ariyalur.

WEB COPY

2. The Sub-Collector/RDO
RDO Office
Ariyalur Division, Ariyalur.

3. The Commissioner (I/C)
Ariyalur Township
Ariyalur.

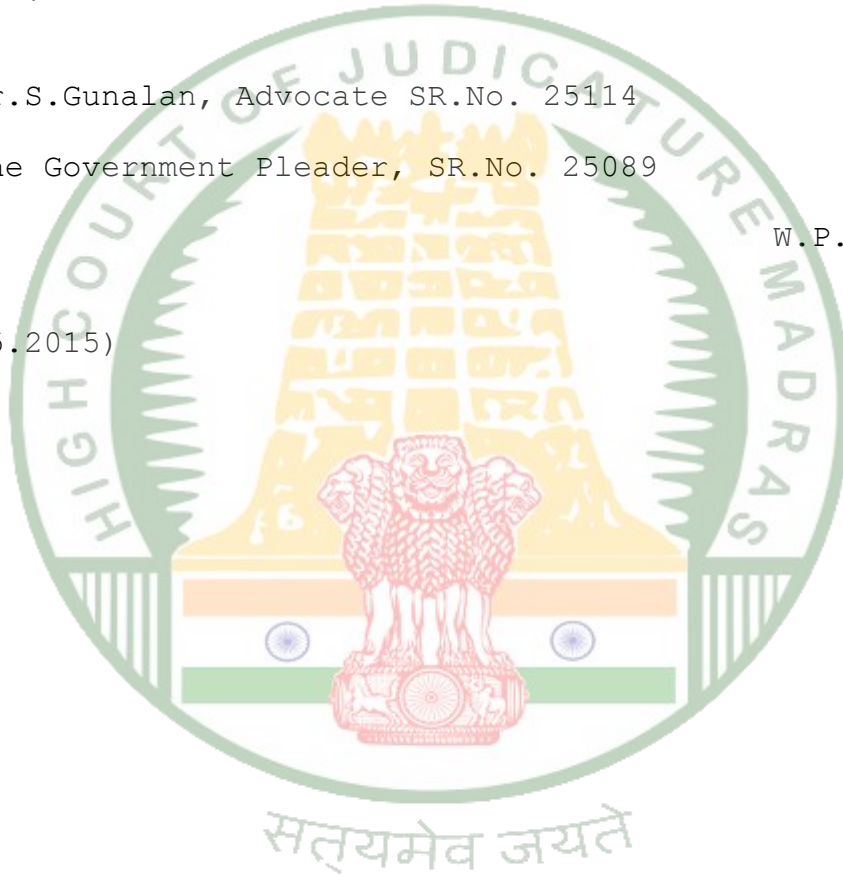
4. The Inspector of Police
Ariyalur Division
Ariyalur.

1 CC to Mr.S.Gunalan, Advocate SR.No. 25114

1 CC to the Government Pleader, SR.No. 25089

W.P.No.14727 of 2015

AK (CO)
PSI (18.05.2015)



WEB COPY