

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

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

W.P. No. 16271 of 2015

1. K. Thangarajan
2. K. Muthaian
3. K. Ramachandran
4. K. Krishnamurthy

Petitioners

vs.

1 The District Collector,
Cuddalore, Cuddalore District.

2 The Executive Officer
Selection Grade Town Panchayat,
Kattumannar Koil-608 301, Cuddalore District.

3 Dr.G.Kalarani
W/o.Dr.Mohan No.4 Arignar Anna Street
Chidambaram Town, Chidambaram Taluk
Cuddalore District.

4 Dr.G.Mohan
No.4 Arignar Anna Street,
Chidambaram Town,
Chidambaram Taluk
Cuddalore District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to forbear the respondents 3 and 4 from their illegal demolition and reconstruction made in premises bearing Door No.48 Danakara Street Udayargudi Kattumannar Koil Taluk Cuddalore District Tamilnadu comprised in Natham Re-Survey No.81/3 New Survey No.261/1 bound on the North by: Main Road South by: Sunnambu Kolam East by: Pathway to Sunnambu Kolam and petitioner Thangarajan House and garden and West by: Natesa Achari House and garden within the Registration District of Cuddalore and Sub Registration District of Kattumannar Kudi.

For petitioners : Mr. A. Lobamudra
For respondents : Mr. P.S. Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2, this writ petition is taken up for final disposal.

2. It is not necessary to issue notice to the respondents 3 and 4 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 respondents 3 and 4. Thus, we are passing this order, without issuing notice to the respondents 3 and 4.

3. The petitioners, who are stated to be brothers, are living at Door No.48, Danakara Street, Udayargudi, Kattumannar Koil 608 301. The grievance of the petitioners is that the respondents 2 and 4 are encroaching on the pavement causing obstruction and nuisance to the petitioners as well as other neighbours. The petitioners have made several representations to the authorities/ respondents 1 and 2 for removal of the unauthorised structure on the public pathway. No steps have been taken till date. Hence, this present writ petition.

4. On a perusal of the documents annexed herewith, we noticed that certain representations have been made to the Superintendent of Police and the Tahsildar. But, they have not been impleaded them as party-respondents in this writ petition. The petitioners have marked a copy of the representation dated 15.12.2014 to the District Collector, Cuddalore, who is the first respondent herein.

5. In such view of the matter, the District Collector/first respondent is directed to consider the petitioners' representation and take appropriate action, after affording an opportunity of hearing to the parties concerned, in accordance with law and on merits, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra

To

1 The District Collector,
Cuddalore, Cuddalore District.

2 The Executive Officer
Selection Grade Town Panchayat,
Kattumannar Koil-608 301,
Cuddalore District.

+ 1 cc to M/s. P.R. Balasubramanian, Advocate 32139

W.P. No.16271 of 2015

GP (CO)
Eu 10.07.15



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