

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM:

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

W.P. No.34452 of 2014 and M.P. No.1 of 2014

Abdul Saleem

Petitioner

Vs.

- 1 The District Collector
Tiruvannamalai
Tiruvannamalai District
- 2 The Municipal Commissioner
Vandavasi Taluk
Tiruvannamalai District
- 3 The Tahsildar
Joint Director Office
Vandavasi Taluk
Tiruvannamalai District
- 4 Nasser Hussain
- 5 Syed Umar
- 6 Syed Rahman

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus as to direct the 1st respondent to take action against the 4,5 and 6 respondents for encroaching the government land in Survey No.A/10-18 in Vandavasi Town belonging tot the 2nd respondent minicipality and constructing his house along with septic tank above the water body land (water tank) belonging to the municipality).

For petitioner Mr. S. Hemanand

For RR 1-3 Mr. N. Sakthivel, Govt. Advocate

For RR 4 & 5 No appearance

For R6 Mr. M. Murali

ORDER

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

This writ petition is filed seeking a writ of mandamus directing the first respondent to take action against the respondents 4 to 6 for encroaching the Government land in Survey No.A/10-18 in Vandavasi Town belonging to the second respondent municipality and constructing his house along with septic tank, on the water body land (water tank) belonging to the municipality.

2 Today, when the matter was taken up for hearing, the learned Government Advocate submitted that if on enquiry and inspection, it is found that there exists an encroachment, as alleged by the petitioner, the same shall be removed by the authorities, in accordance with law.

3 In view of the above submission made by the learned Government Advocate, we direct the official respondents to remove the encroachment in question in accordance with law, if the same exists, as alleged by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the alleged encroachers, viz., respondents 4 to 6 be given an opportunity of hearing before carrying out the above exercise.

4 The writ petition stands disposed of with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The District Collector, Tiruvannamalai
Tiruvannamalai District
 - 2 The Municipal Commissioner Vandavasi Taluk
Tiruvannamalai District
 - 3 The Tahsildar Joint Director Office
Vandavasi Taluk
Tiruvannamalai District
- + 1 cc to Mr.S.Hemanand, Advocate SR.20964
+ 1 cc Government Pleader Sr.21060

MSM(CO)
EU 23.04.2015

W.P. No.34452 of 2014