

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

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

W.P. No. 25659 of 2014

P.R. Devendran

Petitioner

vs.

1. The Collector,
Kancheepuram District.
2. The Thasildar,
Sriperumbudur Taluk,
Kancheepuram District.
3. Mrs. Manimegalai.
4. M. Divakar
5. Ms. Bharathi
6. M. Suresh
7. M. Dillip

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 to 7 on the public pathway in Survey No.211/17, Old Survey No. 88/1A Paraniputhur Village, Sriperumbudur Taluk, Kancheepuram District.

For petitioner : Mr. S. Balasubramaniam
For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 & R2
No Appearance - R3 to R7

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 respondents 1 and 2, this writ petition is taken up for final disposal.

2 This writ petition is filed to issue a direction to the respondents 1 and 2 to remove the encroachment made by the respondents 3 to 7 on the public pathway in Survey No.211/17, Old Survey No. 88/1A Paraniputhur Village, Sriperumbudur Taluk, Kancheepuram District.

3 Despite service of notice on the private respondents, none appeared for them nor there is any representation made on their behalf.

4 From a perusal of the records, it transpires that a suit filed by one Mohan in O.S. No. 247 of 2010 on the file of the District Munsif Court, Sriperumpudur, against the second respondent and three other persons was dismissed for default on 21.08.2014.

5 Considering the limited nature of the relief sought by the petitioner, we direct the authorities/respondents 1 and 2 to take into account, the fact of filing of the aforesaid civil suit and thereafter, dismissal of the same, while considering the representation in respect of removal of the alleged encroachment made by the respondents 3 to 7 on the public pathway in S.No. 211/17, Old Survey No.88/1A Paraniputhur Village, Sriperumbudur Taluk, Kancheepuram District, and pass appropriate orders, after affording an opportunity of hearing to the alleged encroachers viz., the respondents 3 to 7, on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the authorities are obliged to pass a reasoned order adverting to each and every point/issue/ground raised by the petitioner/objector in the representation/objection.

6 With the above direction and observation, the writ petition stands disposed of. Costs made easy. Connected Miscellaneous Petition is closed.

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सत्यमेव जयते

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Collector,
Kancheepuram District.
2. The Thasildar,
Sriperumbudur Taluk,
Kancheepuram District.

+ 1 cc to Mr.S.Balasubramaniam, Advocate SR 31869

+ 1 cc to Govt.Pleader SR 31984

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