

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.24648 of 2015

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S.R.Mallika

Petitioner

Vs.

1 The District Collector
Kancheepuram District
Kancheepuram

2 The Tahsildhar
Sozhinganallur Taluk
Kancheepuram District

3 The Commissioner
Corporation of Madras
Chennai - 600 003

4 N. Kumar
S/o. Nataraja Naicker

5 N.Ramachandran
S/o. Nataraja Naicker

6 N.Jothi
S/o. Nataraja Naicker

7 N. Mani
S/o. Nataraja Naicker

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondents 1 to 3 to take necessary action against the encroachers particularly against the Respondents 4 to 7 for removal of encroachments from the 40 feet width Madha Koil Street, Okkiam, Thoraipakkam Village, Sholinganallur Taluk, Kancheepuram District on the basis of the Petitioner's representation dated 14.07.2015.

For petitioner Mr. R. Thanjan

For respondents Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 & R2
Mr. R. Arunmozhi - R3

ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.R. Arunmozhi, learned Standing Counsel, accepts notice on behalf of the third respondent. With the consent of the learned counsel for the petitioner, the learned Special Government Pleader and the learned Standing Counsel, the writ petition is taken up for final disposal, at the admission stage itself.

2 Considering the limited scope of the relief sought in this writ petition, it is not necessary to issue notice to the private respondents viz., respondents 4 to 7, at this stage, as no action could be taken without affording an opportunity of hearing to them.

3 The petitioner, claiming to be a resident of Pillaiyar Koil Street, Okkiyampettai, Chennai, states that on account of the encroachment made by the respondents 4 to 7 on the Government road, the residents of the said locality are finding it very difficult to use the said road. Thus, the petitioner has made a representation dated 14.07.2015 to the respondents 1 to 3, but, there is no response. Hence, the present writ petition for a writ of mandamus to the official respondents to take necessary action against the alleged encroachers on the basis of her aforestated representation.

4 In view of the foregoing, we are not inclined to make any observation qua the merits of the case. However, we direct the authorities/respondents 1 to 3 to consider the petitioner's representation dated 14.07.2015 in respect of removal of the alleged encroachment made by the respondents 4 to 7 on the road in question and pass appropriate orders, after affording an opportunity of hearing to the alleged encroachers, including the respondents 4 to 7, on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5 With the above direction and observation, the writ petition stands disposed of. Costs made easy.

s/d-

Deputy Registrar(J)

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Kancheepuram District,
Kancheepuram.

2 The Tahsildhar
Sozhinganallur Taluk,
Kancheepuram District.

3 The Commissioner
Corporation of Madras,
Chennai - 600 003.

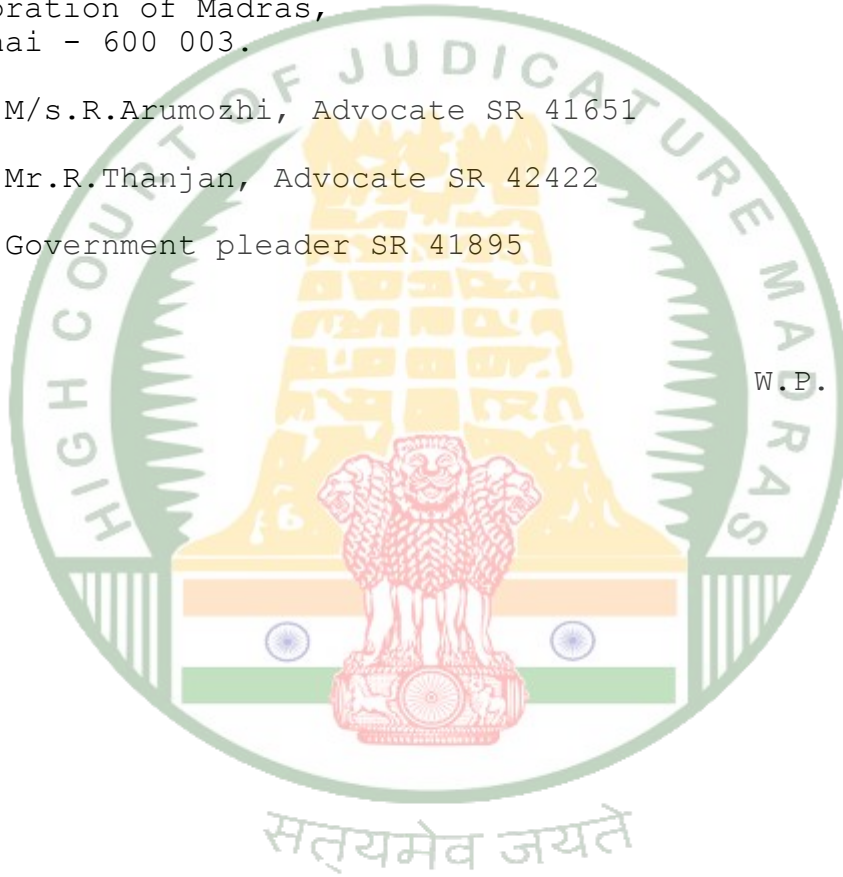
+ 1 cc to M/s.R.Arumozhi, Advocate SR 41651

+ 1 cc to Mr.R.Thanjan, Advocate SR 42422

+ 1 cc to Government pleader SR 41895

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