

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.24693 of 2015

D. Balaji

... Petitioner

Vs.

1. The District Collector
Kancheepuram District Kancheepuram
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road Egmore Chennai-8.
3. The Executive Officer
Kundrathur Panchayat Union Padapai-602301.
4. Venkatesan
No.5/375 Karthik Avenue 8th Street
Paraniputhur Chennai-122.
5. Srinivasan
No.5/375 Karthik Avenue 8th Street
Paraniputhur Chennai-122.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 herein to consider the Petitioner's representation dated 09.10.2014 and consequently directing the respondents to remove the Encroachments of Government Roads by the Respondents 4 & 5.

For petitioner : Mr. S. Senthilvel

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 & R3
Mr. C. Johnson - R2

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 3 and Mr.C. Johnson, learned counsel, accepts notice on behalf of the second respondent. With the consent of both parties, 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 & 5, at this stage.

3. Noticing that no action has been taken pursuant to the petitioner's representation dated 09.10.2014, wherein, it was brought to the notice of the official respondents that illegal constructions were made by fourth and fifth respondents on the public road, creating obstructions and nuisance to the public, the instant writ petition has been filed by the petitioner for a writ of mandamus to the official respondents to consider his aforestated representation within a time-frame.

4. Regard being had to the nature of the relief sought in this writ petition, we are not inclined to make any observation in respect of the merits of the case. However, we direct the respondents 1 to 3 to examine the petitioner's representation dated 09.10.2014 and take necessary consequential action on its own merits and in accordance with law, after notice to the alleged encroachers, including the respondents 4 and 5, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ra

To

1. The District Collector
Kancheepuram District
Kancheepuram
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road Egmore Chennai-8.
3. The Executive Officer
Kundrathur Panchayat Union
Padapai-602301.

+1cc to Mr.C.Johnson, Advocate, S.R.No.41727
+1cc to M/s.S.Senthilvel, Advocate, S.R.No.41526
+1cc to the Government Pleader, S.R.No.42102

W.P. No.24693 of 2015

SAI (CO)
CA(04/09/2015)



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