

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

CORAM

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

W.P. No.24988 of 2015

J. Velu

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Sozhinganallur Taluk,
Kancheepuram District.
3. The Commissioner,
Corporation of Madras,
Chennai 600 003.
4. N. Kumar
5. N. Ramachandran
6. N. Jothi
7. N. Mani

... 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 14.7.2015.

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 counsel, accepts notice on behalf of the third respondent. With the consent of the learned counsel on either side, 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, he and other residents of the said locality are restrained from using 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 his aforestated representation.

4. The public road is owned by the Government and held in heritage for usage and enjoyment of the public at large. No individual can be permitted to transgress or encroach on the road to deprive other public of enjoyment of the same.

5. In that view of the matter, we direct the authorities/respondents 1 to 3 to examine the petitioner's representation dated 14.07.2015 and make proper spot inspection through a competent officer and take necessary action for removal of the alleged encroachment not only on the concerned public road, but, in all the public roads, which are under encroachment by private

parties and pass appropriate orders, after affording an opportunity of hearing to the alleged encroachers, 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.

6. The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Sozhinganallur Taluk,
Kancheepuram District.
3. The Commissioner,
Corporation of Madras,
Chennai 600 003.

+1cc to Mr.R.Thanjan, Advocate, S.R.No.42423
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.42651
+1cc to the Government Pleader, S.R.No.42596

W.P. No.24988 of 2015

GGK(CO)
CA(21/09/2015)

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