

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.26577 of 2015 and M.P. Nos.1-3 of 2015

Mrs. Padma

Petitioner

vs.

- 1 State
Rep. by The District Collector,
Thiruvallur District, Thiruvallur.
- 2 The District Manager
IMFS Depot TASMAL Ltd.,
Plot Nos.G-29 & 30 SIDCO Road,
Industrial Estate, Kakkalur,
Thiruvallur District.
- 3 The Supervisor,
TASMAL Shop No.9198, Vengal Nehru Bazaar,
Thiruvallur District.
- 4 The Tahsildar
Thiruvallur Taluk, Thiruvallur.
- 5 Arumugam
- 6 Devaki

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 2nd respondent to withdraw and remove TASMAL Shop No.9198 run over the common passage comprised in Survey No.210/3C, Nehru Bazaar, Vengal, Thiruvallur District.

For petitioner Mr. T.S.Rajamohan
For respondents Mrs. A. Srijayanthi
 Special Government Pleader - R1 & R4

Mr. C. Kasirajan - R2 & R3

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader accepts notice for respondents 1 and 4. Mr. C. Kasirajan, learned counsel accepts, notice for respondents 2 and 3. With the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, this writ petition is taken up for final disposal at the admission stage itself.

2. Alleging that the area of Shop No.9198 located in S.No.210/3C, Nehru Bazaar, Vengal, Thiruvallur District has been extended by making an encroachment on the public road, the petitioner has addressed a representation to the second respondent to examine the allegation and take consequential action. She has also made further representations dated 11.08.2015 to the District Collector and the Tahsildar, requesting them to remove the encroachment on proper inspection. Finding no response from the authorities, the petitioner has come up with this writ petition for a direction to the concerned authorities to take action for removal of the aforesaid encroachment.

3. Considering the scope of the relief sought by the petitioner, without expressing any opinion on the merits of the case, we direct the first respondent/The District Collector, Thiruvallur, to cause survey and inspection of the site by a responsible officer and if it is found that there is an encroachment on the Government land, take necessary action as per law and on its own merits for removal of such encroachment, after affording necessary opportunity of hearing to the alleged encroachers. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of with the above direction. Connected miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The District Collector,
Thiruvallur District, Thiruvallur.

2. The Tahsildar
Thiruvallur Taluk, Thiruvallur.

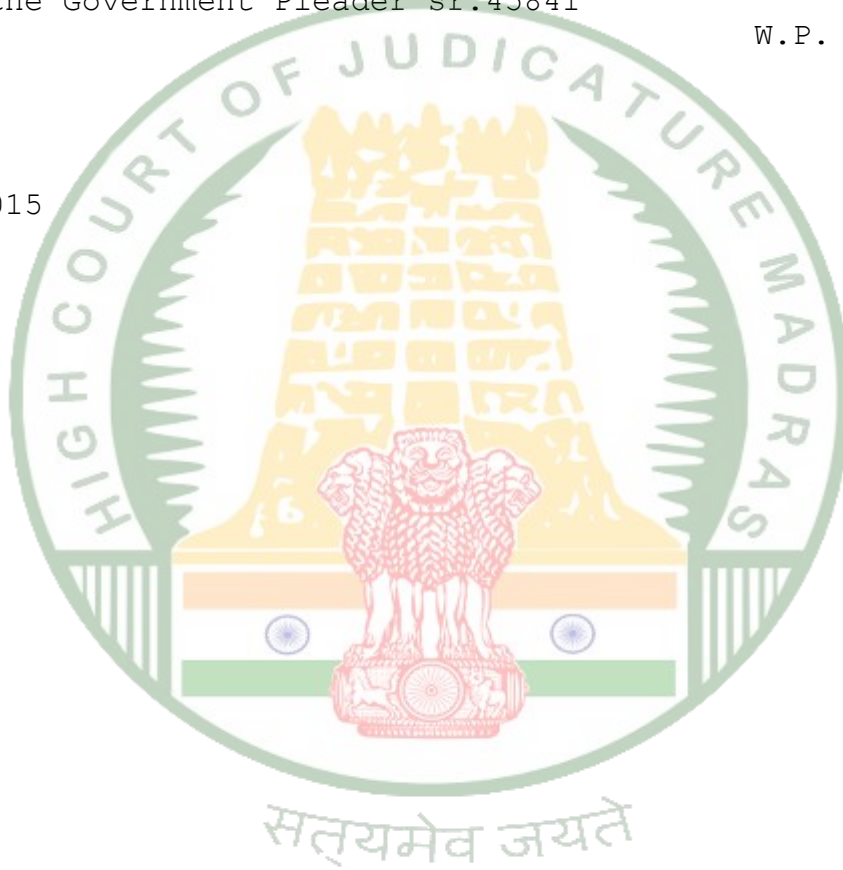
+1 cc to Mr.T.S.Rajamohan, Advocate sr.45695

+1 cc to Mr.C.Kasirajan Advocate sr.45744

+1 cc to the Government Pleader sr.45841

W.P. No.26577 of 2015

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