

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.3047 of 2015

Nelson

Petitioner

Vs.

1 The District Collector
Kancheepuram District,
Kancheepuram

2 The Tahsildar
Chengalpattu Taluk,
Kancheepuram District

3 Vijayanathan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to take action as per the order of the first respondent made in Na.Ka.No.26896/2013 A1 dated 18.10.2013 within a time frame.

For petitioner Mr. M. Pari

For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for respondents 1 and 2. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2, the writ petition is taken up for final disposal at the admission stage itself.

2 Pursuant to the order dated 05.08.2013 passed in W.P. No.21423 of 2013 which was filed by the third respondent herein, an enquiry was initiated against the allegation in respect of encroachment in Survey No.640/5 to an extent of 80 sq.m. in Nandhivaram Village, Chengalpattu Taluk, Kancheepuram District. On inspection, it was found that the said land was classified as Village

Natham and as such, there was an encroachment on the land in question. Thereagainst, the third respondent herein, preferred an appeal before the District Collector, who, by order dated 18.10.2013, while dismissing the appeal, directed the Thasildar, Chengalpattu, to take appropriate legal action under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

3 The petitioner's grievance is that despite dismissal of the appeal filed by the third respondent herein on the finding that there was an encroachment in the Village Natham land, no action has been taken by the officers thereafter, till date. The violators/encroachers are continuing to enjoy the encroachment on the Village Natham. Hence, this writ petition has been filed seeking a mandamus to the second respondent to take action as per the order dated 18.10.2013 passed by the first respondent.

4 The learned Special Government Pleader appearing for the respondents 1 and 2 submits that it is not clear as to whether the encroachment still continues on the said land or not. Thus, in such view of the matter, the authorities be given an opportunity to take appropriate action for removal of the encroachment, if any, after affording an opportunity of hearing to the alleged encroachers, including the third respondent.

5 In view of the above submission made by the learned Special Government Pleader, we direct the official respondents to take appropriate action for removal of the encroachment, if any, after affording an opportunity of hearing to the alleged encroachers, including the third respondent. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The District Collector
Kancheepuram District, Kancheepuram
- 2 The Tahsildar, Chengalpattu Taluk
Kancheepuram District

+ 1 cc to Mr.Ravi, Advocate Sr.6634
+ 1 cc to Government Pleader Sr.6994

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MG (CO)
Eu 13.02.15