

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 15.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.31952 of 2015

Leela Balachandran petitioner

versus

- 1 The District Collector
Revenue Department Puducherry
- 2 The Commissioner
Mahe Municipality Mahe Puducherry
- 3 The Director
Local Administration Department Puducherry
- 4 K.Karthiyayani respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 3 to take further necessary action pursuant to the Notice dated 24.7.2015 under Section 415 (1) of Puducherry Municipalities Act 1973 and remove the unauthorised encroachment of Municipal lane in R.S.No.122/7 of Pallor Revenue Village caused by the 4th respondent within a time frame.

For petitioner : Ms.Sunita Kumari

For Respondents : Mr.N.Mala, A.G.P. (Puducherry),
for respondents 1 to 3

WEB COPY
O R D E R
(made by Satish K.Agnihotri, J.)

The petitioner seeks a direction to the Commissioner, Mahe Municipality to take consequential action against the 4th respondent pursuant to the notice dated 24 July 2015 and remove the encroachment.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of respondents 1 to 3.

3. On a perusal of the eviction Notice dated 24 July 2015, it is noticed that the fourth respondent was called upon to show cause as to why action be not taken for removal of the encroachment mentioned therein as under:

The encroachment sketch is prepared after physical verification by the officials of the Deputy Collector (Rev), Mahe. Also the Settlement Register obtained from the Sub Taluk Office, Mahe, states that the land bearing R.S.No.122/7 is Government poramboke lane. It is also noticed that you have not produced any documents supporting your claim that the property is a private one or that you have not encroached the Municipal property bearing R.S.No.122/7.

Now, therefore, in pursuance of sub section (1) of Section 415 of the Puducherry Municipalities Act, 1973, I hereby call upon you to show cause on or before 4.8.2015, why such an order of eviction should not be made.

Schedule

The municipal lane situates in R.S.No.122/7 of Palloor revenue village with boundaries:-

In the north : Private land property in R.S.No.122/8
In the south: Private land property in R.S.No.122/6
In the East : Palloor vayal road and
In the West: Private land property in R.S.No.122/11A

4. According to the learned counsel for the petitioner, the time given by the municipality for removal of encroachment has come to an end long back. The authorities have not taken consequential action as required under the provisions of Pondicherry Municipalities Act, 1973.

5. The learned Additional Government Pleader, on instruction from the Commissioner, Mahe Municipality, submitted that date of eviction is fixed on 28 October 2015.

6. As a sequel, we are satisfied that, an immediate action is required to be taken under the provisions of law, as notice had already been issued to the concerned encroacher, who has been arrayed as 4th respondent herein.

7. Accordingly, the respondent/Commissioner, Mahe Municipality, is directed to take consequential action as indicated in the show cause notice dated 24 July 2015, and complete the process of removal of encroachment within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforestated direction, this writ petition is disposed of. No costs.

mvs/tar

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1 The District Collector
Revenue Department Puducherry
- 2 The Commissioner
Mahe Municipality Mahe Puducherry
- 3 The Director
Local Administration Department Puducherry

+ 1 cc to Ms.Sunita Kumari, Advocate SR 56791

pur(co)
prk26/10

W.P. No.31952 of 2015

सत्यमेव जयते

WEB COPY