

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17-04-2015

CORAM:

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

W.P.No.3518 of 2015
and M.P.No.1 of 2015

1 Grama General Welfare
Sangam Reg. No.7/2015 rep. by its
President Pasarai Balu Kamaraj Nagar
Kachirapalayam Chinna Salam Taluk
Villupuram District Petitioner

Vs

1 The Government of Tamilnadu
rep. by its Secreary Revenue Department
Fort St. George Chennai-9

2 The District Collector
Villupuram District

3 The Revenue Divisional
Officer Villupuram

4 The Superintendent of
Police Villupuram District

5 The Executive Officer
Town Panchayat Vadaganandal Chinna Salem
Taluk Villupuram District

6 The Tahsildar
Chinna Salem Villupuram District

7 The Inspector of Police
Kachirayapalayam Chinna Salem Taluk

8 Raman
S/o.Karuppan Chetty Poyar Street
Kachirayapalayam Chinna Salem Taluk
Villupuram District

9 Venkataraman
S/o.Narayanan Poyar Street
Kachirayapalayam Chinna Salem Taluk

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 7 to remove the encroachments being made by the 8th and 9th respondents in Survey No.445/3 and 445/2C4 an extent of 12 cents in Vadakanandal Village by removing the illegal construction put by the 8th and 9th respondents in the above lands.

For petitioner :: Mr. S. Prabakaran for
M/s. K. Balakrishnan

For respondents :: Mr. P.S. Shivashanmuga Sundaram
Spl.G.P. For RR1 to 7
Mr. P. Valliappan for R8
Mrs. Hema Sampath, SC
for M/s. R. Meenal for R9

ORDER

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

Seeking a direction to the first to seventh respondents, the petitioner has come up with the present petition for the removal of the encroachments being made by the 8th and 9th respondents in Survey No.445/3 and 445/2C4 to an extent of 12 cents in Vadakanandal Village by removing the illegal construction put up by the 8th and 9th respondents in the above lands.

2. Pursuant to the notice of the Court dated 12.2.2015, the fifth respondent has filed a counter affidavit dated 03-03-2015 indicating that a notice under Section 216(1) of the Tamil Nadu District Municipalities Act, 1920 in proceedings Na.Ka.No.A2/672/2014 dated 15-09-2014 was issued and notice dated 07-10-2014 by giving seven days' time was also issued to the eighth respondent calling upon him to submit an explanation. Till date, no explanation has been filed. Thereafter, one more notice dated 17-03-2015 has been issued, for locking and sealing the unauthorisedly constructed building.

3. The learned counsel appearing for the eighth respondent submits that it is wrong to say that no explanation was submitted by the eighth respondent to the notice dated 15-09-2014 and a proper explanation was filed within the stipulated time.

4. A copy of the notice dated 'nil' has been produced before us, which does not indicate anything as to whether it was filed or not and also if filed, 'when'. We are not going into the contents of the so-called explanation filed by the eighth respondent, since

notice has also been issued for locking and sealing the building, in question. It is open to the authorities to take appropriate action in accordance with law, within the statutory period prescribed under provisions of law. The eighth respondent is at liberty to appear in person and to make appropriate submission, if so advised.

5. Insofar as the ninth respondent is concerned, the learned Senior Counsel appearing for the ninth respondent submits that there is no allegation against the ninth respondent and the ninth respondent has unnecessarily been dragged to this Court, without there being any complaint.

6. The learned Special Government Pleader appearing for the respondent Nos.1 to 7 also submits that no action has been initiated by them against the ninth respondent, thus, qua the ninth respondent, the petition is closed.

7. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Secretary Revenue Department .
Fort St. George Chennai-9.
- 2.The District Collector,
Villupuram District.
- 3.The Revenue Divisional,
Officer Villupuram.
- 4.The Superintendent of Police,
Villupuram District.
- 5.The Executive Officer,
Town Panchayat Vadaganandal Chinna Salem,
Taluk Villupuram District.
- 6.The Tahsildar,
Chinna Salem Villupuram District.

7.The Inspector of Police,
Kachirayapalayam Chinna Salem Taluk.

+1 cc to Mr.K.balakrishnan, Advocate,SR.21018

+1 cc to Mr.P.Valliappan, Advocate,SR.21267

+1 cc to M/s.R.meenal,Advocate,sR.21349.

bvr(co)
krd 30/4

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