

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.36255 of 2015 and M.P. No.1 of 2015

P.G. Mohan

Petitioner

Vs.

1 The District Collector
Kancheepuram District
Kancheepuram

2 The Tahsildar
Chengalpet Taluk
Chengalpet

3 Mr. Malaichamy
Finance Manager
CMDA
Thalamuthu Natarajan Buildings
Gandhi Irwin Road
Egmore, Chennai 600 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 and 2 to take appropriate steps to prevent the third respondent, his men, agent or anybody acting on his behalf from in any manner encroaching upon the road viz., Guruvayurappan Street, Kilambakkam Village, Urapakkam, Kancheepuram District.

For petitioner Mr. P. Amarnath

For RR 1 & 2 Mr. N. Sakthivel
Government Advocate

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with, at this stage, since no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 and 2, the writ petition is taken up for final disposal, at the admission stage itself.

2 Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner, stated to be a sexagenarian, has filed the instant writ petition, complaining that the third respondent has made encroachment on the road which is evident from the photographs submitted by him before this Court.

3 According to the petitioner, he has brought the fact of aforestated encroachment made by the third respondent to the notice of the official respondents, vide a communication dated 05 August 2015. Since then, three months have rolled over. Yet, the authorities have not acted upon the same. Hence, the present writ petition.

4 We have perused the pleadings and documents appended thereto.

5 It is noticed that a communication was sent by the petitioner by Registered Post on 05 August 2015 to the respondents 1 and 2, viz., District Collector and Tahsildar, respectively, pointing out the aforestated alleged encroachment made by the third respondent.

6 Mr. N. Sakthivel, learned Government Advocate, appearing for respondents 1 and 2, submits that if no action has been taken till date on the petitioner's aforestated representation, the authorities may be directed to take action forthwith for removal of the alleged encroachment, if any, on merits and in accordance with law.

7 We accordingly direct the respondents 1 and 2 to have spot inspection, forthwith, of the area in question and take consequential action of removal of encroachment, after affording an opportunity of hearing to the third respondent, who has allegedly made the said encroachment. Such exercise shall be completed within a period of four weeks from today.

The writ petition stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

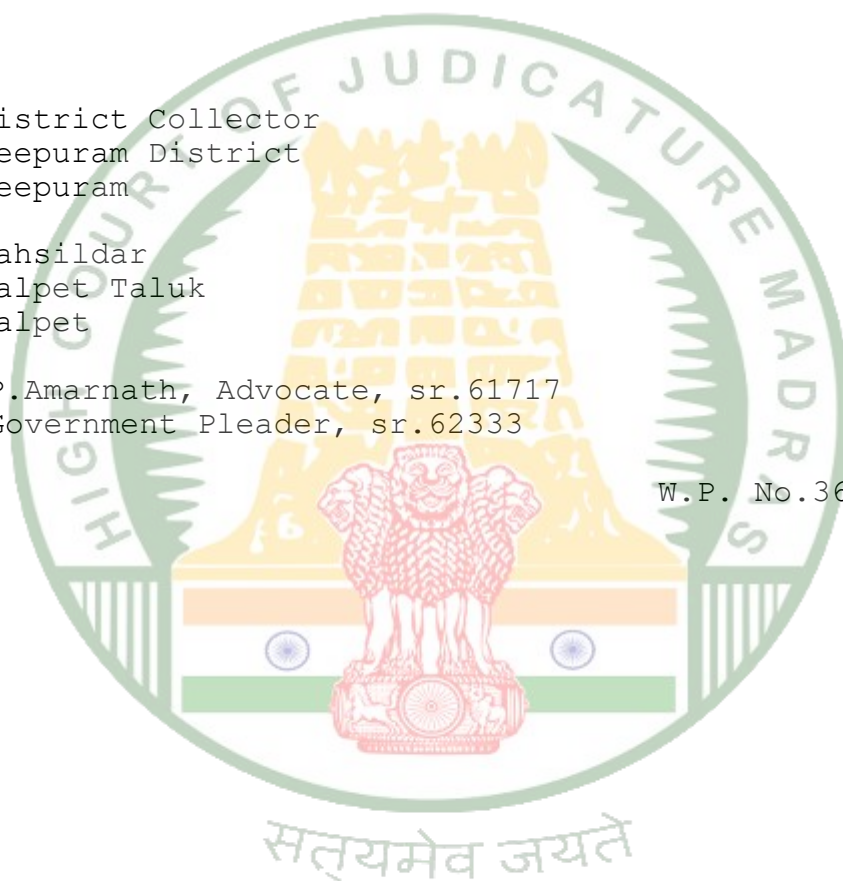
1 The District Collector
Kancheepuram District
Kancheepuram

2 The Tahsildar
Chengalpet Taluk
Chengalpet

+1 cc to P.Amarnath, Advocate, sr.61717

+1 cc to Government Pleader, sr.62333

W.P. No.36255 of 2015



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