

In the High Court of Judicature at Madras

Dated : 30.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.37968 of 2015

N.Radhabai

...Petitioner

Vs

1.The District Collector, Kancheepuram
District, Kancheepuram-631501.

2.The Block Development Officer,
Block Development Office,
Madurantakam-603306.

3.The Village President, Nalamoor
Village Panchayat, Kattudevathur
Post-603313. Madurantakam Taluk.

4.The District Elementary Educational
Officer, Kancheepuram-631501.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents, their men, subordinates, staffs, agent, etc., to remove the illegal compound wall put up by them in acre 0.30 cents in S.No.119/1 presently S.No.119/1A1 of Nalamoor Village, Madurantakam Taluk, Kancheepuram District.

For Petitioner : Mr.M.V.Seshachari

For Respondents 1 & 4 : Mr.R.Rajeswaran, SGP

For Respondents 2 & 3 : Mr.R.M.Muthukumar, AGP

ORDER

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for respondents 1 and 4. Mr.R.M.Muthukumar, learned Additional Government Pleader takes notice for respondents 2 and 3. Heard the learned counsel for the petitioner. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has filed the above writ petition seeking a direction to the respondents to remove the compound wall said to have been constructed in the petitioner's patta land in

S.No.119/1 presently S.No.119/1A1 of Nalamoor Village, Madurantakam Taluk, Kancheepuram District. According to the petitioner, the said property is the petitioner's private patta land and under the guise of constructing a compound wall for the school, respondents 2 and 3 have encroached into the petitioner's property and put up the wall. The petitioner now seeks for removal of the wall.

3. It is seen that the petitioner has not given any representation, but straight away issued a legal notice, which, in my considered view, ought not to have been done in the first instance.

4. Therefore, the writ petition is disposed of with a direction to the petitioner to submit a representation to the first respondent by enclosing all records to show that she is the owner of the property in dispute. On receipt of such representation, the first respondent shall consider the same on merits and pass appropriate orders thereon in accordance with law, after issuing notice to respondents 2 and 3, within a period of two weeks of the receipt of such representation. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The District Collector, Kancheepuram District, Kancheepuram-631501.

2.The Block Development Officer, Block Development Office, Madurantakam-603306.

3.The Village President, Nalamoor Village Panchayat, Kattudevathur

Post-603313. Madurantakam Taluk.

4.The District Elementary Educational Officer, Kancheepuram-631501.

+1 cc to Government Pleader, sr.65196

WP.No.37968 of 2015

ak co
kra 15.12.2015