

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2015

CORAM:

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

W.P. No.38657 of 2015

K.S. Rajan

Petitioner

vs.

1 The District Collector
Collectorate Kancheepuram
Kancheepuram District

2 The Tahsildar
Chengalpattu
Kancheepuram

3 Sriram
President
Kayarambedu Village
Chengalpattu Taluk
Kancheepuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to implement the order pertaining to the petitioner in Na.Ka.No.4162/2014/Aa2 dated 04.05.2015 to remove the encroacher from the 40 feet road comprised in S.No.373/2, Kayarambedu Village, Chengalpattu Taluk, Kancheepuram District.

For petitioner

Mr. G. Ranganathan

For RR 1 & 2

Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with at this stage, as 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 Special Government Pleader, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner's grievance is that the proceedings dated 04 May 2015 of the second respondent, viz., the Tahsildar, Chengalpet, has not yet been implemented. Hence, he has come up with the instant writ petition seeking a direction to the second respondent to implement the said proceedings.

3 We are afraid that the aforestated relief, as sought by the petitioner, cannot be granted for the reason that Article 226 of the Constitution of India cannot be invoked for execution of an order passed by an authority. However, the petitioner is granted liberty to approach the second respondent, forthwith, seeking implementation of his proceedings dated 04 May 2015. In the event, the petitioner makes a representation in this regard to the second respondent, the second respondent is directed to ensure that the said proceedings is implemented, in accordance with law, at the earliest.

The writ petition stands disposed of with the above observation and direction. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

To

1 The District Collector
Collectorate Kancheepuram
Kancheepuram District

2 The Tahsildar
Chengalpattu
Kancheepuram

+1 cc to Mr.G.Ranganathan, Advocate vide sr.65868
+1 cc to Government Pleader sr.66159

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