

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.4588 of 2015

R.Kanniappan

.. Petitioner

-vs-

1.The District Collector
Tiruvannamalai District,
Tiruvannamalai.

2.The Block Development Officer,
Vandavasi, Tiruvannamalai District.

3.Vijaya

.. Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 and 2 to take necessary action for the removal of the unauthorized and illegal construction made by the 3rd respondent by encroaching the eastern side of the village tank in S.No.181/2, Kilkodunkalore Village, Vandavasi Taluk, Tiruvannamalai District, which is being used by the villagers for performing last rituals and 10th day death ceremony, within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

For Respondents : Mr.S.T.S.Moorthy,

Govt. Pleader for RR 1 and 2

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Mr.S.T.S.Moorthy, learned Government Pleader, accepts notice for respondents 1 and 2.

2.The petitioner alleges that illegal commercial construction has been set up by encroaching on a Kulam poramboke land comprised in S.No.181/2, Kilkodumkalore Village, Vandavasi Taluk, in respect of which the petitioner had approached the Court by filing Writ Petition No.20925 of 2013. This writ petition, in turn, was based on the information obtained under the Right to Information Act, which stated

that no permission has been granted. In the writ petition, the following order was passed:

''3. Therefore, taking into consideration the grievance of the petitioner, we permit the petitioner to make a representation to the respondent No.1 within a period of two weeks from the date of receipt of copy of this order, if so advised. When such representation is made, respondent No.1, either by himself or through his officials, is directed to take appropriate action on merits and in accordance with law, after hearing the petitioner as well as the third respondent, within a period of eight weeks from the date of receipt of the said representation. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.''

2. In pursuance to the aforesaid order, the petitioner made a representation on 24.11.2013 to the first respondent, which called for the relevant information from the second respondent vide letter dated 04.12.2013. It is stated that thereafter what has transpired is not known, though it is conceded before us that over a period of time, the building has been completed.

3. We are, thus, of the view that the concerned authorities ought not to have remained a silent spectator and to have taken a stand dependant upon their enquiry. The first and second respondents are, thus, required to act in pursuance to the representation given by the petitioner and the information sought by the first respondent and in case, any irregularities are found, to take action in accordance with law. We make it clear that there is no direction to proceed one way or the other and all concerned parties must be heard before a speaking order is passed in this behalf. The needful should be done within one month of receipt of this order and duly communicated to the petitioner.

4. Writ Petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar

Dated: 27.2.15

True Copy

Sub Assistant Registrar

To

1. The District Collector
Tiruvannamalai District,
Tiruvannamalai.

2.The Block Development Officer,
Vandavasi, Tiruvannamalai District.

+1 cc to Mr.P.Mani, Advocate,SR.9584

+1 cc to Government Pleader,SR.9857.

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krd 6/3

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