

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-03-2015

CORAM

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

WRIT PETITION No. 5622 of 2015

R. Ragupathy

.. Petitioner

vs

1. The District Collector,
Chennai District,
Singaravelavar Maligai,
Rajaji Street,
Chennai 600 001.

2. The Tahsildar,
Mambalam-Guindy Taluk,
Chennai.

3. Muthuramalingam

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 01.12.2014.

For Petitioner

: Mr. C. Krishnana
Sr. Counsel

for

सत्यमेव जयते
Mr. M. Mayakrishnan

For Respondents

: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader R1 & R2
No Appearance - R3
Mr. G. Anantharangan
for Chennai Corporation

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ORDER

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

The petitioner has come up with this writ petition seeking a direction to the first and second respondents to consider the representation dated 01.12.2014.

2. Pursuant to the notice of this Court dated 03.03.2015, the second respondent viz., Tahsildar, had filed a counter affidavit stating as under:-
<https://hcservices.ecourts.gov.in/hcservices/>

" It is humbly submitted that one Muthuramalingam made encroachment in the common pathway in survey No.62, 104, Virugambakkam Village to a width of about 17 feet leaving only a 3 feet passage. Moreover, even the TNEB officials have erected a junction box in the remaining 3 feet passage, thereby preventing the ingress and egress of the writ petitioner completely. The writ petitioner who is the owner of T.S.No.116 of Block 24 of Virugambakkam Village is not having any approach through Rathna Nagar Main Road. During inspection it was also found that besides the encroachment made by the said Muthuramalingam, the entire stretch of common passage is found encroached by adjacent land owners.

It is humbly submit that the 2nd respondent already sent a copy of TSLR extract of this office together with a combined sketch showing the Town Survey Numbers owned by the adjacent owners and the portion encroached by them in the pathway to the Corporation.

It is humbly submitted that the encroached land stands registered in the name of Corporation of Chennai. Moreover, the particulars called for by the Assistant Commissioner, Zone-X, for carrying out the eviction have already been sent to him in kthis office letter dated 6.3.2015 herein.

It is humbly submitted that the encroachment has to be removed by the Chennai Corporation."

3. A copy of the communication dated 06.3.2015 sent by the Tahsildar is produced before us and the same is taken on record. The said communication has been sent after proper inspection by the revenue officials along with the Corporation officials.

4. In such circumstances, without expressing any opinion on the contents of the letter, we direct the Chennai Corporation to take necessary action pursuant to the said letter dated 06.3.2015 for removal of the encroachment. Needless to state that the alleged encroachers have to be given an opportunity of hearing before removing all the alleged encroachment, within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Chennai District,
Singaravelavar Maligai,
Rajaji Street,
Chennai 600 001.

2. The Tahsildar,
Mambalam-Guindy Taluk,
Chennai.

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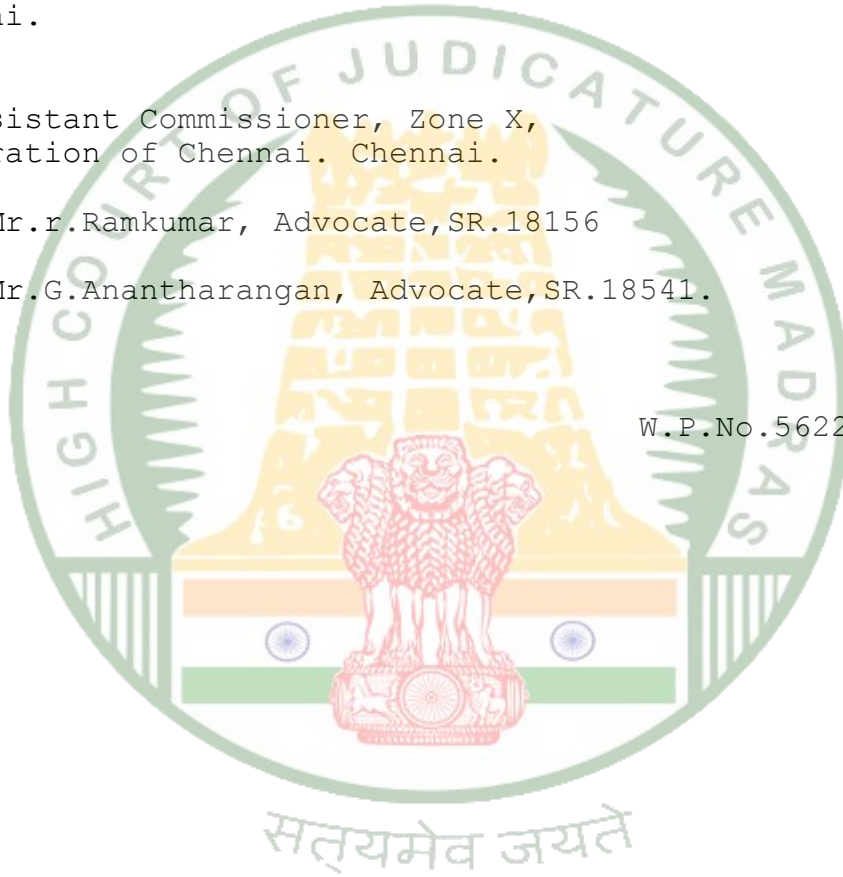
The Assistant Commissioner, Zone X,
Corporation of Chennai. Chennai.

+1 cc to Mr.r.Ramkumar, Advocate,SR.18156

+1 cc to Mr.G.Anantharangan, Advocate,SR.18541.

ppa (co)
krd 22/4

W.P.No.5622 of 2015



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