

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.8781 of 2015 and M.P. No.1 of 2015

P. Mohanraj
Managing Director
M/s. Diamond Engineering Chennai (P) Ltd.
128 A, Vandalur-Kelambakkam Main Road
Mambakkam Village
Chennai 600 048

... Petitioner

vs.

1. The District Collector
Kancheepuram District
Kancheepuram
2. The Tahsildar
Thiruporur Taluk
Kancheepuram District
3. The Village Administrative Officer
1. Melakottaiyur,, 3. Keezhkottaiyur
5. Mambakkam
Thiruporur Taluk
Kancheepuram District
4. The Revenue Inspector
Mambakkam
Thiruporur Taluk
Kancheepuram District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 05.03.2015 at the earliest point of time.

For petitioner : Mr. J. Pothiraj

For respondents : Mr. N. Sakthivel
Government Advocate

ORDER

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

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. By this petition, the petitioner seeks a direction to the first respondent to consider his representation dated 05.03.2015, wherein it is admitted that the petitioner had occupied a portion of the Government land by any chance. However, the petitioner be not removed or disturbed as raw materials and machineries worth Rs.1,25,00,000/- are lying there. In that event, the interest of 5000 workers may also be prejudiced. Thus, the State Government be directed to consider permitting the petitioner to utilise the land in lieu of compensation payable by the petitioner.

3. We are afraid that in such a situation, as aforestated, no direction to permit the petitioner to continue on encroachment and to take compensation in lieu thereof, be issued. It is for the Government to consider the representation from all angles keeping view the public interest, qua personal interest of the petitioner.

4. On a perusal of the papers, we find that a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, has been issued on 02.03.2015, calling upon the petitioner, to remove the alleged illegal encroachment on the Government land.

5. The petitioner is entitled to make a representation / explanation to the aforestated notice. Accordingly, the petitioner is at liberty to make a fresh representation / explanation, if so advised, to the aforestated notice. The Government is expected to take a decision, after considering the petitioner's representation / explanation, on its own merits and in accordance with law, within the period prescribed under the statute.

6. The writ petition stands disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad/vvk

To

1. The District Collector
Kancheepuram District
Kancheepuram
2. The Tahsildar
Thiruporur Taluk
Kancheepuram District
3. The Village Administrative Officer
1. Melakottaiyur,, 3. Keezhkottaiyur
5. Mambakkam
Thiruporur Taluk
Kancheepuram District
4. The Revenue Inspector
Mambakkam
Thiruporur Taluk
Kancheepuram District

+1cc to M/s.J.Pothiraj, Advocate, S.R.No.17535
+1cc to the Government Pleader, S.R.No.17551

W.P. No. 8781 of 2015

CA(CO)
CA(01/04/2015)

WEB COPY