

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1180 of 2011

and M.P.Nos.1 & 2 of 2011

K.Duraisamy

...Petitioner

Vs.

1. The Tamil Nadu Slum Clearance Board,  
Rep. by its Chairman,  
No.5, Kamarajar Salai,  
Chepauk, Chennai - 600 005.
2. The Executive Engineer,  
The Tamil Nadu Slum Clearance Board,  
Kovai Division,  
13-A, Arokiyasamy Road West,  
R.S.Puram, Coimbatore.

3. R. Senthil Kumar

...Respondents

Prayer:- 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 remove the encroachment of the 3<sup>rd</sup> respondent into the passage to the petitioner's resident viz., plot No.203, Alamelumangammal layout, Ammankulam South, Puliakulam Post, Coimbatore - 641 045.

For Petitioner : Mrs.M.Ezlilarasi  
for Mr.K.Sudalaikannu

For Respondents : Mr.S.Prabhu  
Standing Counsel for R1&R2 (TNSCB)  
No appearance for R3.

O R D E R

The writ petition is filed with the prayer of writ of mandamus to direct the respondents 1 and 2 to take action to remove the encroachment in the pathway in plot No. 203, Alamelumangammal layout, Ammankulam South, Puliakulam Post, Coimbatore.

2. According to the petitioner, the owner of the plot No.202 has encroached on the passage to an extent of 2 feet and the passage width is 3-3/4 feet, thereby leaving 1-3/4 feet for passage. Therefore the passage road blocked to the resident of the petitioner's house and hence a representation has been made by the petitioner to remove the encroachment on 13.12.2010 to the Executive Engineer, Tamil Nadu Slum Clearance Board namely the second respondent and since no action has been taken, the present writ petition is filed.

3. Now the counter has been filed by the first and second respondents stating that the allottee of plot number 202 has constructed the house within his plot boundary and has not encroached any pathway leading to plot number 203. Mrs.Ranjithan, allottee of plot number 201 who is the sister of the petitioner, has encroached the pathway leading to plot number 203 by 20cm. The notice has been issued to the allottee of plot number 201 to remove the encroachment and therefore, the present writ petition is liable to be dismissed.

4. In view of the submission made by the parties, it is an admitted fact that there is an encroachment made in the pathway which leads to the plot number 203. From the counter affidavit, it could be seen that the second respondent has taken steps to initiate action to remove the encroachment in the pathway of plot no. 203. However, the learned counsel for the petitioner submitted that the third respondent has also encroached the pathway. सत्यमेव जयते

5. Therefore, in view of the above said facts, the second respondent is directed to proceed with the removal of encroachment in the pathway either in the plot number 201, 202 or 203, as early as possible, in accordance with law, following the procedure as laid down under the Act within a period of three months from the date of receipt of a copy of this Order.

6. The writ petition is disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

1. The Chairman  
Tamil Nadu Slum Clearance Board,  
No.5, Kamarajar Salai,  
Chepauk, Chennai - 600 005.
2. The Executive Engineer,  
The Tamil Nadu Slum Clearance Board,  
Kovai Division, 13-A, Arokiyasamy Road West,  
R.S.Puram, Coimbatore.

+1cc to Mr.S. Prabu, Advocate, S.R.No.73704

+1cc to Mr.K. Sudalaikannu, Advocate, S.R.No.74044

GJ(CO)  
md(11/01/2017)

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