

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.7686 of 2014

A.A.Suckoor

...Petitioner

Vs.

1.The District Collector,
Kanchipuram Collectorate,
Kanchipuram District.

2.The Tahsildar,
Tambaram Taluk,
Tambaram,
Chennai 600 045.

3.The Block Development Officer,
St. Thomas Mount Union,
Chittalapakkam,
Chennai.

4.The Village Administrative Officer,
Mudichur,
Tambaram Taluk,
Chennai - 600 048.

5.The President,
Mudichur Panchayat,
Tambaram Taluk,
Chennai- 600 048.

6.J.Rani

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 5 to remove the encroachments made by the sixth respondent in Mahalakshmi Street, Mudichur Village, Tambaram Taluk, on the northern side of plot No.95, Lakshmi Nagar, Mudichur Village, Tambaram Taluk, Kancheepuram District, Since the encroachment made by the sixth respondent is obstructing the free of traffic and also preventing the petitioners ingress and

egress Mahalakshmi street Lakshmi Nagar, Mudichur Village from the northern side of his plot.

For Petitioner : Mr.V.R.Thangavelu
For R1 to R5 : Mr.P.S.Sivashanmugasundaram, SGP
For R6 : Mr.S.P.Chockalingam

ORDER

(Order of the Court was made by HULUVADI G. RAMESH,J.)

The prayer made in the writ petition is to issue a writ of Mandamus, directing respondents 1 to 5 to remove the encroachment made by the sixth respondent in Mahalakshmi Street, Mudichur Village, Tambaram Taluk, on the northern side of plot No.95, Lakshmi Nagar, Mudichur Village, Tambaram Taluk, Kancheepuram District.

2. The case of the petitioner is that he is the owner of the house site bearing Plot No.95, Lakshmi Nagar, Mudichur Village, Tambaram, Kancheepuram District, by virtue of a Deed of sale dated 02.02.1988 registered as Document No.406 of 1988 on the file of the Sub Registrar, Tambaram. While so, the sixth respondent had encroached upon a portion of Mahalakshmi Street in Lakshmi Nagar, by putting up a hallow block shed, which not only obstructs the free flow of traffic and hindrance to the passerby, motorist etc., but also prevents ingress and egress to Mahalakshmi Street from the northern side of the petitioner's property. Hence, the petitioner approached respondents 2 and 4 in person, made complaints with regard to encroachment made by the sixth respondent and requested the authorities to remove the said encroachment. Finding no response, he also issued a legal notice dated 08.02.2014 to respondents 1, 2, 4 and 5 requesting to remove the encroachment immediately. Even thereafter, his request was not considered. Therefore, the petitioner has come forward with the present writ petition for the above stated relief.

3. Heard Mr.V.R.Thangavelu, learned counsel for the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader for respondents 1 to 5 and Mr.S.P.Chockalingam, learned counsel for the sixth respondent.

4. Considering the nature of the relief sought for herein, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to conduct survey of the property in question, after issuing due notice to the petitioner as well as to the sixth respondent and thereafter, pass appropriate order with regard to removal of encroachment, if any, in accordance with law, after affording an

opportunity of personal hearing to the petitioner as well as to the sixth respondent. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. It is open to the petitioner and the sixth respondent to raise all their contentions along with supporting documents before the second respondent at the time of enquiry.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
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Mudichur, Tambaram Taluk,
Chennai - 600 048.
- 5.The President,
Mudichur Panchayat,
Tambaram Taluk, Chennai- 600 048.

+1cc to Mr.V.R. Thangavelu, Advocate, S.R.No.55666
+1cc to Mr.S.P. Chockalingam, Advocate, S.R.No.55806
+1cc to the Government Pleader, S.R.No.56085

vgi (CO)
md(10/11/2016)

W.P.No.7686 of 2014