

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.No.12293 of 2016

J. Manthiramoorthy ... Petitioner

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
 2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
 3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu.
 4. The Inspector of Police,
Guduvancherry Police Station,
Guduvancherry.
- ... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents to remove the unlawful obstacles on the Sri Ram Naicker 40 feet Road, Kairampedu Village, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr. S. Packiaraj

For Respondents : Ms. T.T. Girija
Govt. Advocate

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ORDER

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

Ms. T.T. Girija, learned Government Advocate, accepts notice on behalf of the respondents. 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. Seeking a direction to the respondents to remove the unlawful obstacles on the Sri Ram Naicker 40 feet Road, Kairampedu Village, Chengalpattu Taluk, Kancheepuram District, the instant writ petition is filed.

3. It is stated by the learned counsel appearing for the petitioner that the dispute in respect of removal of the illegal, unlawful and unauthorised encroachment on the property in question came up for consideration in W.P.No. 10246 of 2014 and subsequently in W.P.Nos. 2537 to 2552 of 2015, whereunder, by orders dated 05 September, 2014 and 03 February, 2015, respectively, directions were issued to remove the encroachments. Accordingly, encroachments were removed. However, the same encroachers have again encroached the very same area. Thereafter, when the petitioner approached the revenue authorities, he was informed to contact the police authorities. Thus, the instant writ petition seeking the aforestated relief.

4. Given the facts, as aforestated, without going into the allegations, we would like to make it clear that once a direction is issued to remove the encroachments in any of the areas, including the area in question, the revenue authorities, including the District Collector, are obligated to take into their notice, the representation made by the residents of that area and, if, on inspection, it is found that the encroachments have been made again, the revenue authorities must take steps forthwith to remove the same. Needless to state that the encroachments made by the same persons, who had been removed earlier, subsequently, are not entitled to even a show cause notice under the provisions of law.

With the above observations, this writ petition is disposed of. No costs.
ra

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

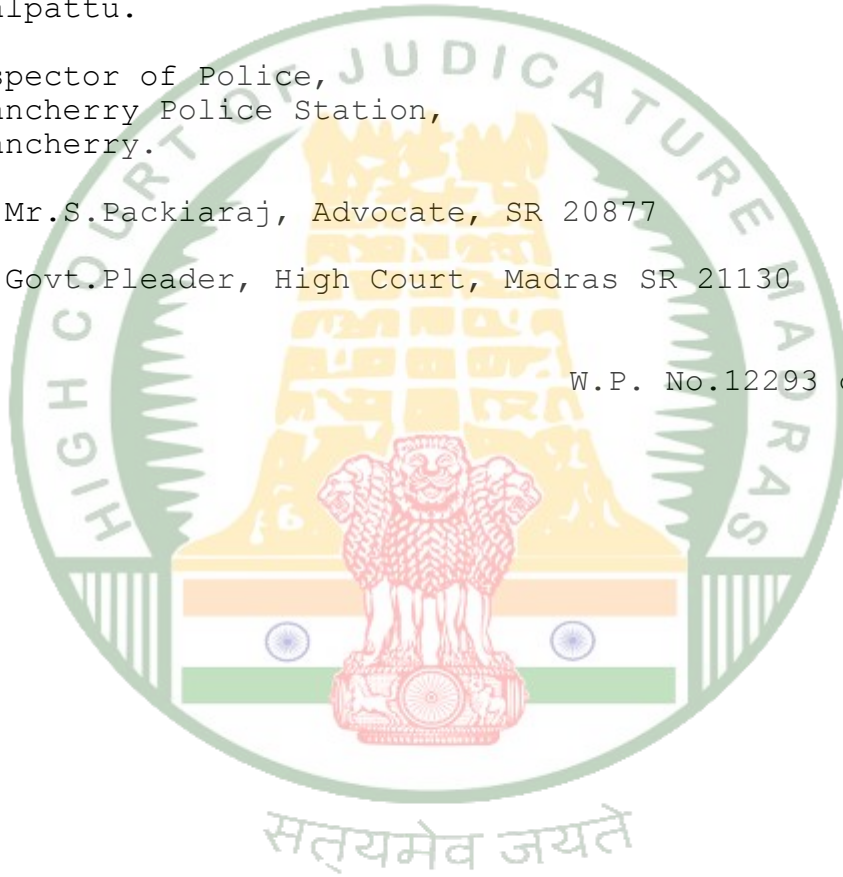
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Guduvancherry.

+ 1 cc to Mr.S.Packiaraj, Advocate, SR 20877

+ 1 cc to Govt.Pleader, High Court, Madras SR 21130

rsi(co)
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