

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.12847 of 2016

R.Ramalingam ... Petitioner

-vs-

1.The District Collector,
Villupuram District.

2.The District Revenue Officer,
Villupuram District.

3.Revenue Divisional Officer,
Villupuram.

4.The Thasilthar,
Villupuram.

5.The Executive Engineer,
(Water Source Division)
Public Works Department,
Villupuram.

6.Election Commission of India,
Rep. By its Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi.

(R-6 suo motu impleaded as per order
of Court dt.07.04.2016 in WP.)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove encroachment as well as pipe line laid by encroachers in lakes situated at Survey No.186 and Survey No.358 as per petitioner's representation dated 24.03.2016.

For Petitioner : Mr.K.Sudhakar
For Respondents : Mr.V.R.Kamalanathan,
Addl.G.P. assisted by
Mr.V.Shanmughasundar, G.A.
For RR 1 to 5
: Mr.Niranjan Rajagopal
for M/s.G.R.Associates
for suo motu impleaded R-6
* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, learned Additional Government Pleader appearing for the respondents states that necessary action on complaint of the petitioner against unauthorised construction has already been taken vide letter dated 09.03.2016 of the second respondent. This action is required to be taken by the fifth respondent, but since nothing was done, the petitioner made a representation dated 24.03.2016.

2.The aforesaid may possibly be on account of the impending elections, but learned counsel for the Election Commission present in Court, at our request, assures that if a communication is addressed, within a week thereof, necessary permission will be considered. In fact, he says that if there is no displacement of voters, no permission is required.

3.In view of the aforesaid stand, if no displacement of voter is to take place, the fifth respondent may proceed immediately, but in case displacement of voter has to take place, permission may be formally obtained from the Election Commission, who, as assured by the learned counsel, will do the needful within one week of the receipt of the communication. Necessary action be taken by the fifth respondent within a maximum period of one (1) month of the receipt of the order.

4.In order to obviate any implementation difficulty, we formally implead the Election Commission of India as the sixth respondent. Memo of parties be amended accordingly.

5.Writ Petition, accordingly, stands disposed of. No costs.
sra

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector, Villupuram District.
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Rep. By its Chief Election Commissioner,
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