

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.13296 of 2016 and W.M.P. No.11661 of 2016

R. Ravichandran

Petitioner

vs.

1 The District Collector
Kancheepuram District
Kancheepuram

2 The Chairman
Kovilambakkam Municipality
Kovilambakkam, Chennai

3 The Commissioner
Thomas Malai Panchayat Union
Chitlapakkam
Chennai

4 The Tahsildar
Rajiv Gandhi Salai
Sholinganallur
Chennai

5 V. Ganesan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to prevent the 5th respondent from encroaching the 8th Main Road of the Ponniyamman Colony, S. Kolathur Village, Tambaram Taluk, by considering the petitioner's representation dated 03.03.2016 and 05.04.2016.

For petitioner Mr. Jayaprakash
for Mr. R. Marudhachalamurthy

For RR 1 to 4 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER
(delivered by SATISH K.AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 4. Notice to the fifth respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 4, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 4 to prevent the fifth respondent from encroaching the 8th Main Road, Ponniamman Colony, S. Kolathur Village, Tambaram Taluk, by considering the petitioner's representation dated 03 March 2016 and 05 April 2016.

3 According to the petitioner, he is the owner of the property in S.F. No.383/11-12A1, Sunnambu Kolathur Village, Tambaram Taluk, Kancheepuram District. Abutting the said property, on the northern side, there runs the 8th Main Road, which is the only source for ingress and egress to the petitioner's property and also the properties of other residents in the said locality. On the other end of the 8th Main Road, the fifth respondent runs a primary school. There is no fencing or wall around the fifth respondent's school. Taking advantage of the said position, the fifth respondent is attempting to annex the 8th Main Road to his property. Pointing out this act of the fifth respondent, the petitioner submitted a representation dated 03 March 2016 to the official respondents seeking to prevent the fifth respondent from encroaching the public road. Since no steps were taken pursuant to his representation, he submitted another representation dated 05 April 2016. Inasmuch as the official respondents have not paid any heed even to his subsequent representation, the petitioner has come up with the instant writ petition, seeking the aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the official respondents to consider and pass appropriate orders on the petitioner's representation dated 03 March 2016 and 05 April 2016, on their own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be afforded to the fifth respondent, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The District Collector
Kancheepuram District, Kancheepuram
- 2 The Chairman
Kovilambakkam Municipality
Kovilambakkam, Chennai
- 3 The Commissioner
Thomas Malai Panchayat Union
Chitlapakkam, Chennai
- 4 The Tahsildar
Rajiv Gandhi Salai
Sholinganallur
Chennai

+1cc to M/s. R. Marudhachalamurthy, Advocate, S.R.No.23056

+2ccs to the Government Pleader, S.R.No.22738, 23209

CRK(CO)
EU(26/04/2016)

सत्यमेव जयते

W.P. No.13296 of 2016

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