

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.13396 of 2016

1.Sajitha Banu

2.Prabhu Raj

3.M. Vishnupriya Petitioners
Rep.by her Power of Attorney
Agent S.Manoharan

Vs.

1. The District Collector
Cuddalore District
Cuddalore

2. The Tahsildar
Cuddalore

3. The Commissioner
Cuddalore Municipality
Cuddalore

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 13.04.2015 immediately and to take lawful steps to evict the encroachers in the said Highway-Subburayulu Nagar Main Road, No.61F, Thirupathiripuliur, Ward No.5, Block No.5, T.S. No.1735, 1737, 1737B and 1739 of Cuddalore Municipality within a time frame.

For petitioners : Mrs. G. Devi

For respondents : 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 the respondents. With consent, the 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 to consider the petitioners' representation dated 13 April 2015 immediately and to take lawful steps to evict the encroachers from the Highway in question, within a time frame.

3. The petitioners are stated to be owners of vacant plots in an approved layout in Cuddalore Municipality. Alleging that some persons have encroached upon the 30 ft.road, which is on the northern side of their plots, the first petitioner addressed a representation dated 28 August 2000 to the first respondent seeking removal of encroachment. Seemingly, the petitioners were informed that the encroachment would be removed. However, there was no development in the matter. Feeling aggrieved, the petitioners addressed representations on 15 October 2001, 19 July 2004, 23 December 2006, 13 March 2007, 13 April 2015 and 04 January 2016, seeking removal of encroachment. Since no orders have been passed on their representations, the petitioners have preferred the instant writ petition, seeking the aforesaid relief.

4. Considering the limited scope of the relief sought by the petitioners, without going into the merits of the case, we direct the respondents to consider and pass appropriate orders on the petitioners' representation dated 13 April 2015 on its 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 alleged encroachers, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

1. The District Collector
Cuddalore District
Cuddalore
2. The Tahsildar
Cuddalore
3. The Commissioner
Cuddalore Municipality
Cuddalore

+1cc to the Government Pleader, S.R.No.23210

W.P. No.13396 of 2016

LRS (CO)
CA(26/04/2016)



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