IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

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

W.P. No.13499 of 2016

G. Subramaniam ... Petitioner

vs.

1 The District Collector, Salem

2 The Assistant Director
Town Panchayat
Salem

3 The Tahsildar
Sankari

4 The Village Administrative Officer
Thevoor
Sankari Taluk, Salem District

5 The Executive Officer
Thevur Town Panchayat
Sankari Taluk, Salem District

6 T. Selvi ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachment made by the fifth respondent on the public street which is situated in S.Nos.621 and 630/4, Thevoor Village, Sankari Taluk, by considering the petitioner's representation dated 19.03.2016.

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For petitioner Mr. R. Ezhilarasan

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

For R5 Mr. R. Rajendra Narasimhan
Additional Government Pleader

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ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

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

2 The petitioner is stated to be a resident of Thevur Village, Sankari Taluk, Salem District. Alleging that the sixth respondent, while constructing a house in her land in S.No.630 of the said village, has encroached upon the street portion in S.Nos.621 and 630/4, the petitioner addressed a representation dated 19 March 2016 to the official respondents, seeking removal of the alleged encroachment. Finding no action on the said representation, the petitioner has come up with the instant writ petition, seeking a writ of mandamus directing the official respondents to remove the alleged encroachment made by the sixth respondent by considering his aforestated representation.

3 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the fifth respondent to consider and pass appropriate orders on the petitioner's representation dated 19 March 2016 on its own merits and in accordance with law, within a period of six 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 encroacher, viz., the sixth respondent, before taking any consequential action, if need be.

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

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1 The District Collector,
Salem.

2 The Assistant Director,
Town Panchayat Assistant Director,
Salem.

3 The Tahsildar,
Sankari.

4 The Village Administrative Officer,
Thevoor,
Sankari Taluk, Salem District.

5 The Executive Officer,
Thevur Town Panchayat,
Sankari Taluk, Salem District.

+1cc to the Government Pleader Sr.23216

W.P. No.13499 of 2016

ppa(CO)
srg(27/04/2016)

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