

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.12209 of 2014

G.Chithra Kumar

.. Petitioner

-vs-

1.The Commissioner,  
Thiruvarur Municipality,  
Thiruvarur-610 001.

2.Kanagavalli

3.Manikandan

4.M.Lenin Muthu Olivu

5.Ramamurthy

6.B.Ganeshan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to remove the illegal and unauthorised construction made by the respondents 2 to 6 from the common passage on the property which is more particularly described in the schedule to the petition and to remove the debris lying therein in Melavadambokki Street, Sri Devi Nagar, Thiruvarur.

For Petitioner : Mr.Harshad P.Goklaney  
for M/s.Prakash Goklaney

For Respondents : Mr.R.Vijayakumar  
Addl. G.P. for R1  
R2-R6 - No appearance

\* \* \* \* \*

ORDER

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

The petitioner alleges encroachment on a public road - Melavadambokki Street, Sri Devi Nagar, Thiruvarur. The road is stated to have been donated to Thiruvarur Municipality by the father of the petitioner and six other co-owners. The allegation of encroachment is against respondent Nos.2 to 6.

2. The petitioner has made a representation dated 18.03.2014 and since there was no action, he approached the Court.

3. It appears that even the lapse of two years during the pendency of the writ petition has not been long enough for the first respondent to inspect the area and if encroachment found, to take action in accordance with law. The first respondent appears just sitting on the representation of the petitioner.

4. No counter-affidavit has been filed.

5. On hearing the learned counsel for parties, while directing the first respondent to take a decision on the representation of the petitioner dated 18.03.2014 within a period of three months from the date of receipt of the copy of this order after notice to all concerned and post inspection of the site within a period of fifteen days from the date of receipt of a copy of this order. We consider it appropriate to impose costs on the first respondent for the lethargy and inaction, quantified at Rs.5,000/- (Rupees Five Thousand only) to be deposited with the Mediation and Conciliation Centre, Madras High Court Campus within fifteen days from the date of receipt of the copy of this order.

6. It is open to the first respondent to recover the amount from the officer, who did not take action on the representation of the petitioner.

7. The writ petition, accordingly, stands disposed of. No costs.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

To

1.The Commissioner,  
Thiruvarur Municipality,  
Thiruvarur-610 001.

2.The Assistant Registrar,  
Mediation and Conciliation Centre,  
High Court, madras.

+2 cc's to Mr.Prakash Goklaney,advocate,sr.67724

+1 cc to Govt.Pleader,sr.68484

pk(co)

krd 8/12

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