

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.08.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.29983 of 2014
and
M.P.No.1 of 2014

James

... Petitioner

Vs

1.The Collector
Vellore District, Vellore.
2.The Tashildar
Arakkonam, Vellore District.
3.The Assistant Divisional Engineer
Arakkonam, Highways Department
Vellore District.

...Respondents

Prayer : This writ petition has been filed to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner, dated 17.10.2014 and to direct the second respondent to grant patta.

For Petitioner : M/s.P.Sidharthan

For Respondents No.1 to 3 : Mr.K. Dhananjayan
Special Govt. Pleader

ORDER

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the respondents.

2. This writ petition has been filed, praying that this court may be pleased to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner, dated 17.10.2014 and to direct the second respondent to grant patta in favour of the petitioner.

3. The petitioner has stated that he and his family members have been residing at No.71, Ocheri Salai, 7th Street, Krishnam Pettai, Arakkonam, Vellore District, for the past seven decades. The property, in which the petitioner and his family members are living, has been assessed by the Municipal Corporation and they have been paying the taxes, without any default. Further, electricity service connection has also been given. The petitioner is also having the Family Ration Card and the Voter Identity Card. However, the petitioner and his family members had been asked to vacate the property in which they have been living for a long time.

4. While so, the third respondent had issued a notice, dated 7.10.2014, under the provisions of Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001.

5. In such circumstances, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

6. The learned counsel, appearing on behalf of the respondents had submitted that the petitioner had challenged the notice issued by the third respondent, before this Court, in W.P.No.29346 of 2014, however, the petitioner had withdrawn the said writ petition.

7. The learned counsel, appearing on behalf of the respondents had further submitted that an order had been passed by a Division Bench of this Court, on 12.11.2014, in W.P.No.29346 of 2014, directing the authorities concerned, to remove the encroachers, by issuing a notice to them.

8. Since no action had been taken by the official respondents, in the said writ petition, a contempt petition had also been filed, before this Court, in Cont.Petition No.3413 of 2014 . As such, the relief prayed for by the petitioner, in the present writ petition, cannot be granted.

9. In view of the submissions made by the learned counsel, appearing on behalf of the respondents and on perusal of the records available, it is clear that the petitioner is an encroacher upon the property in question. It is also noted that orders had been passed for the removal of the encroachers, including the petitioner.

10. In such circumstances, the relief prayed for by the petitioner cannot be granted. Hence, the writ petition stands dismissed. No costs. Consequently, connected M.P. is also dismissed.

17.08.2016

INDEX : Yes/No.
INTERNET : Yes/No.
rnb

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M.JAICHANDREN J.,

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