

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.21627 of 2016
and WMP.No.18478 of 2016

K.Vimal

..Petitioner

Vs.

1.The District Collector
Namakkal District, Namakkal

2.The Thasildar
Komarapalayam Namakkal District

3.The President
Thattankuttai Panchayat Agraharam Village
Komarapalayam, Tiruchengode Taluk
Namakkal District

4.S.S.Murugesan

5.M/s.Vasista Spinning Mills India Pvt.Ltd.,
Rep. By its Director
Uthramani

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 30.03.2016 to remove the illegal compound wall constructed by the 5th respondent by encroaching the public road situated in R.S.No.56/1, 56/2, 56/3 and 62/5 of Komarapalayam Amani Village, Namakkal District within the time fixed by this court and consequently direct the respondents 1 to 3 to restrain the 5th respondent from making any unauthorized further construction in the said road.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.K.Karthikeyan
Government Advocate
for R1 to R3.

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Mr.K.Karthikeyan, learned Government Advocate, takes notice for respondents 1 to 3. Considering the nature of order passed herein, notice to respondents 4 and 5 is dispensed with. We have heard the learned counsel for the petitioner and the learned Government Advocate.

2. This Writ Petition is filed praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 30.03.2016, to remove the illegal compound wall constructed by the 5th respondent by encroaching the public road situated in R.S.No.56/1, 56/2, 56/3 and 62/5 of Komarapalayam Amani Village, Namakkal District within the time fixed by this court and consequently direct the respondents 1 to 3 to restrain the 5th respondent from making any unauthorized further construction in the said road.

3. It is averred in the Writ Petition that the lands stated in the above mentioned Survey Numbers are in fact gifted by the 4th respondent to the Panchayat-3rd respondent and the same is used as road by the general public for reaching their respective houses and in such circumstances, the 5th respondent encroached the said land and constructed a compound wall and obstructing the said road. The learned counsel for the petitioner submits that a suitable direction may be issued to respondents 1 to 3 to take appropriate action in this regard.

4. The learned Government Advocate, appearing for the State, submits that two months time may be given to the 1st respondent to take appropriate action.

5. Taking into consideration the above submissions, the 1st respondent/District Collector, Namakkal, is directed to consider the representation of the petitioner dated 30.03.2016 as regards the allegation of encroachment on the Lands mentioned in this Writ Petition and take appropriate steps for removing the same, after making proper survey. It is for the first respondent to do the needful and take appropriate action for removing the encroachments in accordance with law, after issuing notice to respondents 4 and 5 and hearing them. Such exercise shall be carried out by the first respondent taking assistance from respondents 2 and 3 herein within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The District Collector

Namakkal District, Namakkal

2.The Thasildar

Komarapalayam

Namakkal District

3.The President

Thattankuttai Panchayat

Agraharam Village

Komarapalayam, Tiruchengode Taluk

Namakkal District

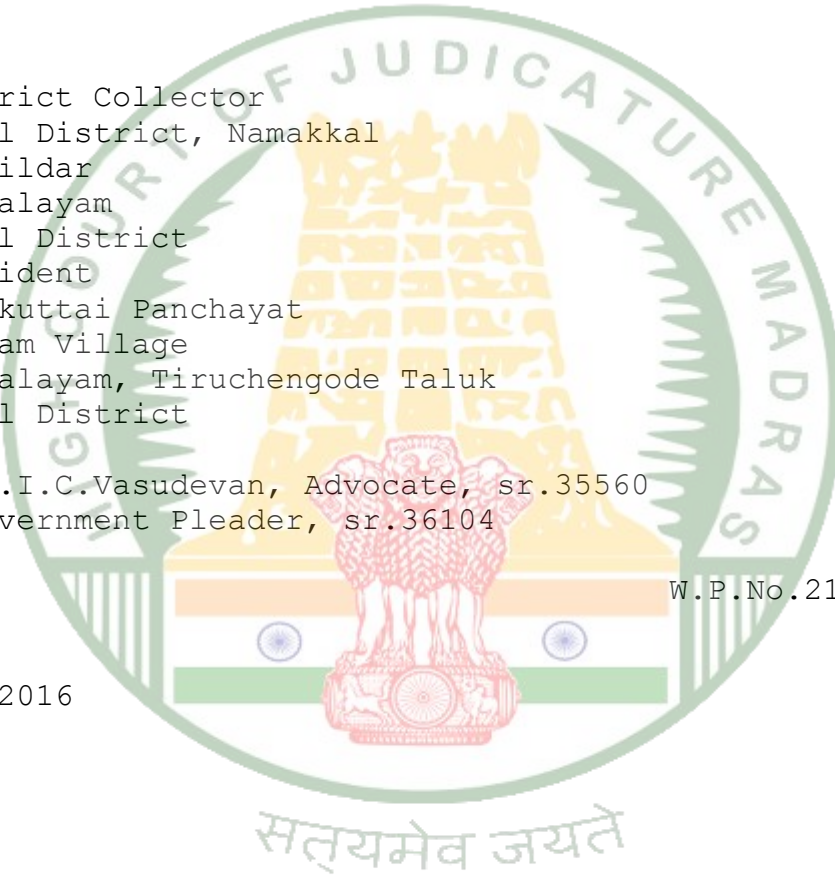
1 cc to Mr.I.C.Vasudevan, Advocate, sr.35560

1 cc to Government Pleader, sr.36104

W.P.No.21627 of 2016

ca co

kra 20.07.2016



WEB COPY