

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. Nos.37714 and 37715 of 2015

P.Dinesh ... Petitioner in W.P.No.37714/2015

D.Divya ... Petitioner in W.P.No.37715/2015

vs.

1.The District Collector,
Vellore District, Vellore.

2.The Divisional Engineer,
Highways Constructions and
Maintenance, Vellore.

3.The Assistant Divisional Engineer,
Highway Construction and
Maintenance, Arakkonam,
Vellore District.

4.The Tahsildar,
Arakkonam, Vellore District.

5.The Commissioner,
Arakkonam Municipality,
Arakkonam, Vellore District.

6.S.Thiyagarajan ... Respondents in both the W.Ps
(R6 impleaded vide order
dated 23.03.2016 in
W.M.P.Nos.8285 and 8286
of 2016 in W.P.Nos.37714
and 37715 of 2015)

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove all encroachments made in T.S.No.37, Gandhi Road, Tiruttani Road, Arakkonam Town in Ward B, Block 4 and bearing

Municipal Door No.9 on the basis of petitioner's representation dated 19.09.2015 in the light of the proceedings of the second respondent dated 25.09.2015.

For Petitioner .. Mr.G.Jeremiah
in both the W.Ps

For Respondents .. Ms.A.Srijayanthi,
in both the W.Ps Spl. Govt. Pleader for R1 to R4
Ms.P.Rajalakshmi for R5
Mr.Rahul Balaji
for Mr.M.Venkatakrishnan for R6

COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petitions are taken up for final disposal.

2. Seeking a direction to respondents 1 to 5, to remove all encroachments made in T.S.No.37, Gandhi Road, Tiruttani Road, Arakkonam Town in Ward B, Block 4 and bearing Municipal Door No.9 on the basis of petitioners' representations dated 19 September 2015 and in the light of the proceedings of the second respondent dated 25 September 2015, the instant writ petitions are filed.

3. It is the case of the petitioners that they purchased the vacant house sites in question and the eastern boundary of the house sites is a battai-road poramboke. The grievance of the petitioners is that due to the encroachment made on the road margin, they are not in a position to commence the construction work in their sites. Therefore, they have made representations dated 19 September 2015 and the second respondent, by proceedings dated 25 September 2015, directed the third respondent to take necessary legal action and remove the encroachment. Since no action was taken, the petitioners filed writ petitions being W.P.Nos.32846 and 32847 of 2015, seeking a direction to the respondents therein to remove the encroachment. Subsequently, those writ petitions were withdrawn by the petitioners. The reminders dated 31 October 2015 sent by the petitioners are also pending consideration. Therefore, the petitioners are before this Court with these writ petitions.

4. Heard the learned counsel appearing for the parties.

5. Learned counsel appearing for the 5th respondent submits that notice has been served on all the encroachers, including the newly impleaded 6th respondent on 14 March 2016, giving three days time to file response.

6.We find that the time granted for filing response is not reasonable. Thus the 6th respondent is granted two weeks' time to file response. The third respondent is directed to examine the response and take consequential action, adverting to all the objections/issues raised in the response, within a period of two weeks thereafter. The third respondent is also directed to take into notice of the facts of the alleged encroachment by the petitioners and take necessary action in accordance with law to ensure the removal of encroachment.

8.With the aforesaid observations and direction, the writ petitions stand disposed of. No costs.

mmi

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector,
Vellore District, Vellore.
- 2.The Divisional Engineer,
Highways Constructions and
Maintenance, Vellore.
- 3.The Assistant Divisional Engineer,
Highway Construction and
Maintenance, Arakkonam,
Vellore District.
- 4.The Tahsildar,
Arakkonam, Vellore District.
- 5.The Commissioner,
Arakkonam Municipality,
Arakkonam, Vellore District.

+ 1 cc to Mr.M.Venkatakrishnan, Advocate SR 18532

+ 1 cc to Mr.G.Jermiah, Advocate SR 19166

ksj (co)
prk20/4

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