

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.2613 of 2016 and W.M.P. No.2187 of 2016

A. Palanimuthu

Petitioner

Vs.

1 The District Collector
Tiruvannamalai
Tiruvannamalai District

2 The Tahsildar
Tiruvannamalai Taluk
Tiruvannamalai District

3 The Commissioner
Tiruvannamalai Municipality
Tiruvannamalai District

4 Dr. Thyagarajan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment made by the fourth respondent in front of the house comprised in Door No.28/51-A, admeasuring to an extent of 13 feet on the East to West and 17 feet on the North to South, totally admeasuring 238 sq. ft. or thereabouts situated at Sannathi Street, Tiruvannamalai Town and District.

For petitioner Mr. G. Rajan

For RR 1-3 Mr. N. Sakthivel
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, as no order prejudicial to his interest, is passed in this writ petition. Thus, with the

consent of the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 to 3, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment made by the fourth respondent in front of the house comprised in Door No.28/51-A, admeasuring to an extent of 13 feet on the East to West and 17 feet on the North to South, totally admeasuring 238 sq. ft. or thereabouts situated at Sannathi Street, Tiruvannamalai Town and District.

3 According to the petitioner, he is residing in the property in question, which devolved on him, after his father's demise intestate. While so, the fourth respondent, a doctor by profession, has encroached upon the public street, viz., Sannathi Street, Tiruvannamalai, to an extent of about 238 sq. ft., as a result of which, ingress and egress to his house is obstructed to a great extent, inasmuch as there is no direct access to his house, except the passage wherein encroachment has been made by the fourth respondent. His request to the fourth respondent to clear the encroachment has only fallen on his deaf ears. Feeling aggrieved, he has addressed a representation to the first respondent, viz., the District Collector, Tiruvannamalai, on the 8th instant, seeking removal of the encroachment made by the fourth respondent on the public street. Finding no response to his representation, he has filed the instant writ petition, seeking the aforestated relief.

4 Today, when the matter is taken up for admission, the learned counsel for the petitioner submits that it would suffice if a direction is given to the first respondent to consider and pass orders on the petitioner's representation dated the 8th instant within a time frame.

5 Considering the limited scope of the relief now sought, without going into the merits of the case, we direct the first respondent to consider and pass orders on the petitioner's representation dated the 8th instant, on its own merits and in accordance with law. Needless to state that an opportunity of hearing be afforded to the alleged encroacher, viz., the fourth respondent, before taking consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
- 2 The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.
- 3 The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai District.

+1cc to Mr.Rajan, Advocate, S.R.No.4973

W.P. No.2613 of 2016

mg (CO)
srg (05/02/2016)

सत्यमेव जयते
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