

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

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

Writ Petition No.26990 of 2016
and WMP.No.23194 of 2016

Mrs.Anita Chitnis
rep. by Power Agent
Mrs.Cynthia Dulipsingh
No.7, 15th Avenue
Harrington Road
Chetpet, Chennai 600 031

...Petitioner

Vs.

1 The District Collector
Office of the District Collector
No.3, Collectors Office Road
Kanchipuram, Kanchipuram District

2 The Tahsildar
Padappai, Office of the Tahsildar
Padappai 601 301
Kanchipuram District

3 The President
Padappai Panchayat Union
No.1/187 Anna Nagar I Street
Padappai 601 301

4 The Inspector of Police
Manimangalam Police Station
Kancheepuram District

5 Ms.R.Bhuvana Kumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents I to IV to remove the encroachment on the public road and the illegal construction erected in front of the petitioner's property comprised in Survey No.548/3A, David Nagar, Padappai and maintain the road as a road by taking it over from the Davidar Trust.

For Petitioner : Mr.M.K.Kabir, Senior Counsel for
Mr.T.Jayaraman

For Respondents : Mrs.A.Sri Jayanthi
Special Government Pleader
for R1 to R4

ORDER

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

Heard Mr.M.K.Kabir, learned Senior Counsel for the petitioner and Mrs.A.Srijayanthi, learned Special Government Pleader, accepting notice for respondents 1 to 4.

2. In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is in absolute possession and enjoyment of the property mentioned above and as per the plan annexed to the Sale Deed, the property abuts a 40 ft., wide public road on the eastern side and 20' road on the northern side which is being used by the general

public as a public road. It is further averred that the members of the David Nagar Trust seem to have sold a portion of the said private road measuring an extent of 1526 sq.ft., to one John Joseph by way of a registered Deed of Sale dated 13.08.2010 and as such the petitioner's property is blocking from its access. According to the petitioner, despite several representations and complaints preferred to respondents 1 to 4, no steps have been taken to maintain the public road. Hence, the petitioner is before this court seeking direction to respondents 1 to 4 to remove the encroachment on the public road.

3. After going through the averments made in the writ petitioner, we hereby direct the 2nd respondent to take appropriate action after issuing notice to the 5th respondent and after examining the relevant records and conducting survey. If the authority finds there is encroachment, the said encroachment is directed to be removed after following the due process of law, within two months from the date of receipt of a copy of this order. All the contentions are left open to both parties viz., the petitioner and the 5th respondent to agitate before the authorities concerned.

HULUVADI G. RAMESH,J.
and
M.V.MURALIDARAN,J.

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4. With the above direction, the Writ Petition is disposed of.

No costs. Consequently, connected WMP is closed.

(H.G.R., J.) (M.V.M., J.)

03.08.2016

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To

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