

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.9.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.29963 of 2016

M.Logesh .. Petitioner
Vs.

1. The District Collector
Collectorate
Thiruvallur District
Thiruvallur.
2. The Revenue Divisional Officer
Poonamallee
Thiruvallur District
Chennai 56.
3. The Tahsildar
Taluk Officer
Poonamallee Tk
Thiruvallur District.
4. Inspector of Police
Poonamallee Police Station
Poonamallee.
5. The Block Development Officer
Poonamallee Panchayat Union
Poonamallee
Thiruvallur District.
6. The Panchayat President
Kattupakkam
Poonamallee
Thiruvallur District.

7. P.Rajesh .. Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of Mandamus directing the respondents 1 to 6
to remove the encroachment including the illegal construction

made by the 7th respondent in the Government property and 20 feet road near the plot Nos.86 & 87, Survey No.175/1 at A.D.Govindaraj Nagar, Kattupakkam, Poonamallee, Chennai 56, Thiruvallur District.

For Petitioner	:Mr.I.Abraham
For Respondents 1-4 & 6	:Mr.R.Prathapkumar, Addl.G.P.
For Respondent-5	:Mrs.T.Girija G.A
For Respondent-7	:Left

O R D E R

(Made by Huluvadi G.Ramesh,J)

The petitioner has come up with the above writ petition seeking a direction to the respondents 1 to 6 to remove the encroachment, including the illegal construction made by the 7th respondent in the Government property and 20 feet road near the plot Nos.86 & 87, Survey No.175/1 at A.D.Govindaraj Nagar, Kattupakkam, Poonamallee, Chennai 56, Thiruvallur District.

2. According to the petitioner, he is the absolute owner of plot Nos.86 & 87, Survey No.175/1 at A.D.Govindaraj Nagar, Kattupakkam, Poonamallee, Chennai 56, Thiruvallur District. The seventh respondent has encroached the public road nearby his plots and attempting to erect pillars in the midst of the road. The said road, which belongs to Kattupakkam Panchayat, is classified as thorough fare. Therefore, the petitioner made representations to the official respondents for eviction of encroachment and the same are yet to be considered. In the meanwhile, the petitioner preferred a complaint before the fourth respondent and after enquiry, the fourth respondent warned the seventh respondent not to encroach the road. However, the seventh respondent is still attempting to erect pillars in the road, forcing the petitioner to come up with this writ petition.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 4 and 6 and the learned counsel for the fifth respondent.

4. In case of encroachments, it is for the authority concerned to issue notice to the alleged encroachers and thereafter, to pass necessary order. Therefore, in the facts and circumstances of the case, we direct the respondents 1 to 3 and 5 and 6, to issue notice to the seventh respondent regarding the alleged encroachment and thereafter, to take appropriate action to remove the encroachment on an earlier date, after following the due process of law.

5. The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, WMP No.25925 of 2016 & WMP No.28301 of 2016 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kpl

To

1. The District Collector
Collectorate
Thiruvallur District, Thiruvallur.
2. The Revenue Divisional Officer
Poonamallee
Thiruvallur District, Chennai 56.
3. The Tahsildar
Taluk Officer
Poonamallee Tk, Thiruvallur District.
4. Inspector of Police
Poonamallee Police Station
Poonamallee.
5. The Block Development Officer
Poonamallee Panchayat Union
Poonamallee, Thiruvallur District.
6. The Panchayat President
Kattupakkam, Poonamallee
Thiruvallur District.

+1cc to Mr.I.Abraham, Advocate Sr.55288
+1cc to the Government Pleader sr.55618

W.P.No.29963 of 2016.

skv[co]
srg 09/12/2016