

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.35064 of 2016

B. Dillibabu

... Petitioner

-vs-

The District Collector
Office of District Collector
Tiruvallur District.

... Respondent

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 07.09.2015 and clear the encroachment on the land belonging to Highways Department adjoining Plot No.3 and 4 in S. No.579/1 and 579/2 M.G.R. Nagar, Ayyapakam, Ambattur .

For petitioner : Mr.Alagu Narayanan
for M/s. RRN Legal

For respondent : Mr.K. Dhananjayan, Spl.G.P.

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Mr. K. Dhananjayan, Special Government Pleader takes notice for respondent.

2. With the consent of both the parties, the matter is taken up for final disposal at the stage of admission itself.

3. This Writ Petition is filed by the petitioner, to direct the respondent to consider his representation dated 07.09.2015 and to clear the encroachment on the land belonging to Highways Department, adjoining to his Plot No.3 and 4 in S.No.579/1 and 579/2 M.G.R. Nagar, Ayyapakam, Ambattur.

4. According to the Petitioner, he is the absolute owner of the abovesaid property and the land in front of the petitioner's plot belongs to Highways Department and adjoining the land there is a road. The land belonging to the Highways department, have been encroached by some third parties and have put up shops, thereby affecting the ingress and egress of the petitioner to his property. The petitioner has previously given a representation on 11.02.2013 to the Highways

department, for removal of the encroachment. Based on his representation, the Revenue Divisional Officer was directed to survey the encroached area through a surveyor and to take action to remove the encroachment. Again on 07.09.2015 the petitioner gave a representation to the respondent to clear the encroachment. It is found that on issuance of notices for removal of encroachment, the third party objectors have filed an appeal before the respondent. The petitioner was called for an enquiry on 23.02.2016. Since no reply is forthcoming, the petitioner has come up with this Writ Petition.

5. Heard learned counsel for both the parties.

6. It is the submission of the learned counsel for the petitioner that in the adjoining lands belonging to the Highways, the respondent has put up a shop. It is the grievance of the petitioner that because of the construction put up by the third parties in the said land, the ingress and egress to the petitioner's property is blocked. Despite his representation to the concerned authorities, way back in September 2015, the authorities have not taken any steps to remove the encroachment, which is adjoining to his plot No.3 and 4 in S.No. 579/1 and 579/2 M.G.R. Nagar, Ayyapakkam, Ambattur. Therefore, the respondent authority is directed to consider the representation of the petitioner dated 07.09.2015 and hear the petitioner and the third parties, if need be, after issuing Due notice to the persons likely to be affected. Then the respondent shall pass necessary orders, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, accordingly. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

avr

To

The District Collector
Office of District Collector
Tiruvallur District.

+1 cc to M/S.R.R.N.LEGAL,Advocates SR.NO. 57164
+1 cc to the Government,Pleader SR.NO. 57335.

W.P.No.35064 of 2016

gr[col]
RD 08/11/2016