

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.35636 of 2016

and

W.M.P.No.30631 of 2016

M.Nedunchezian

.. Petitioner

-vs-

1.The District Collector,
Villupuram District,
Villupuram.

2.Assistant Divisional Engineer,
Highways & Rural Works Department,
Tindivanam,
Villupuram District.

3.The President,
Manur Panchayat,
Tindivanam Taluk,
Villupuram District.

4.S.Thangaraj

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the impugned notice dated 07.0-9.2016 and the consequential impugned order passed by the second respondent in Na.Ka.No.93/2016/A1 dated 23.09.2016 and quash the same as illegal and consequentially direct the second respondent to permit the petitioner to reside in the thatched hut put up at Tindivanam-Marakanam State Highways Road at 134th K.M on the left side belonging to third respondent Panchayat till 30.07.2017.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mr.M.K.Subramanian
Govt. Pleader for R1 & R2

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

We may note that the petitioner is a encroacher and was sought to be removed. But on an assurance that the encroachment would be cleared by 16th October, 2016, the concerned authority did not take coercive action. Now, it is sought to be pleaded before us that the petitioner never gave any assurance. If that was the position, then the petitioner would have been thrown out much earlier.

2. The learned counsel for the petitioner states that the petitioner wants some more breathing time. If it is so, especially, keeping in mind the stand of the petitioner, for any indulgence to be shown by the respondent authorities, the petitioner should approach the respondent authorities stating the date by which he would remove himself from the place.

3. No ground is made for interference under Article 226 of the Constitution of India.

4. The writ petition is dismissed. No costs. Consequently, W.M.P.No.30631 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.Assistant Divisional Engineer,
Highways & Rural Works Department,
Tindivanam,
Villupuram District.

- 1 CC to Mr.M.Venkatesan, Advocate, sr.57490
- 1 cc to Government Pleader, sr.57779

W.P.No.35636 of 2016

sns co, kra 07.10.2016