

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.40265 of 2016

and

W.M.P.No.34286 of 2016

N.Venkatesan

.. Petitioner

-vs-

1.The District Collector,
Collectorate,
Vellore District.

2.The Sub Divisional Magistrate
cum Sub Collector,
Thiruppathur,
Vellore District.

3.The Tahsildhar,
Office of Tahsildhar,
Thiruppathur.

4.The Deputy Zonal Tahsildhar,
Thiruppathur.

5.The Inspector of Police,
Jolarpettai Police Station,
Vellore District.

6.Viswanathan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 3 to 5 to remove the encroachment made by the 6th respondent and his family members in the common passage lane comprised in Survey No.461/1, 461/17, 461/18, Karuppanur village, Thiruppathur Taluk, Vellore District within a stipulated time frame.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader for R1 to R5

* * * * *

ORDER

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

The petitioner alleges unauthorised construction against respondent No.6 in a common passage. Respondent No.6 filed a civil suit in O.S.No.409 of 2009 on the file of District Munsif Court, Thiruppathur for permanent injunction, which was decreed on 02.07.2007, but A.S.No.13 of 2008 (on the file of Sub Court, Thiruppathur) preferred against the same was allowed on 25.03.2011 and thus the decree was set aside. The petitioner claims that thereafter also, no action was taken and respondent No.2 invoked the provisions of Section 147 of Criminal Procedure Code, in view of the threatened breach of peace while directing respondent No.4 to remove the encroachment.

2. There has been practically no progress in the matter and the petitioner finally sent a representation dated 18.08.2016, which was preceded by a Memo sent by the Tahsildar to the Deputy Tahsildar for taking action for removal of the encroachment on 03.08.2016.

3. The learned Special Government Pleader states that possibly because of lack of police assistance, the action has not been taken.

4. We are, thus, of the view that the Tahsildar, Thiruppathur/respondent No.3 would proceed in accordance with law, after notice to all concerned for removal of the encroachment, if any and respondent No.5 would give the assistance, if sought for.

5. The exercise be completed within a period of two months of the receipt of the copy of this order.

6. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.34286 of 2016 is closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

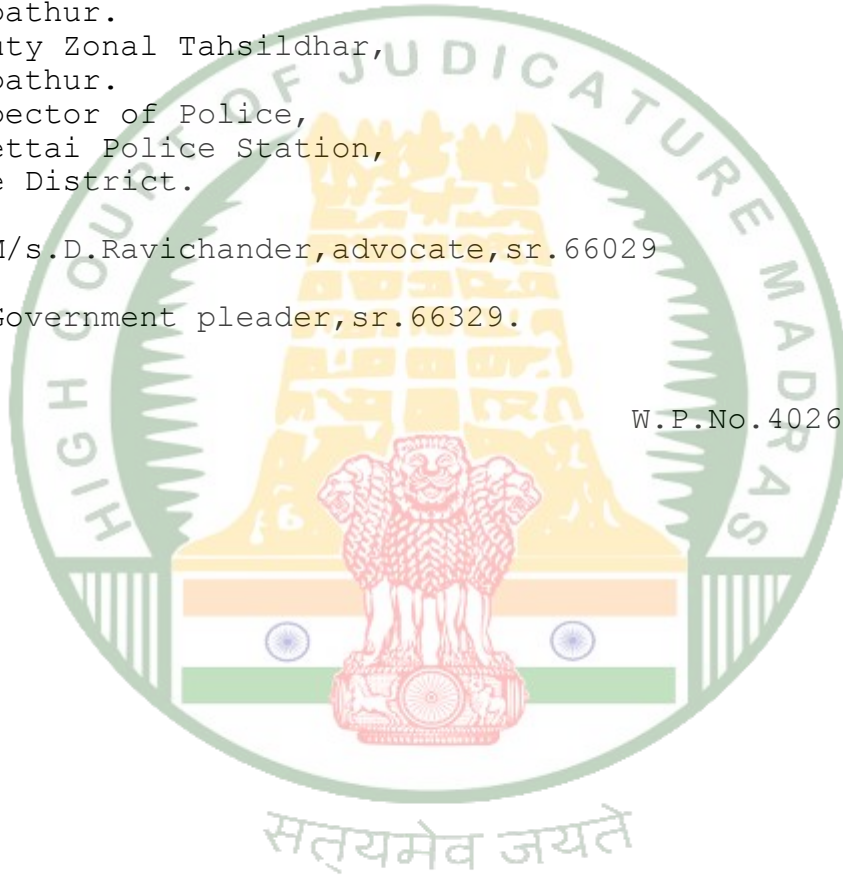
- 1.The District Collector,
Collectorate,
Vellore District.
- 2.The Sub Divisional Magistrate
cum Sub Collector,
Thiruppathur,
Vellore District.
- 3.The Tahsildhar,
Office of Tahsildhar,
Thiruppathur.
- 4.The Deputy Zonal Tahsildhar,
Thiruppathur.
- 5.The Inspector of Police,
Jolarpettai Police Station,
Vellore District.

+1 cc to M/s.D.Ravichander,advocate,sr.66029

+1 cc to Government pleader,sr.66329.

rsk(co)
krd 29/11

W.P.No.40265 of 2016



WEB COPY