

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.No.5224 of 2016

G. Logambari

... Petitioner

Vs

- 1 The District Collector
Kancheepuram District,
Collectorate Compound
Vandavasi Road Kancheepuram Ho,
Kancheepuram 631 501
- 2 The Commissioner,
St. Thomas Mount Panchayat Union
Chitlapakkam, Chennai-64
- 3 The Tahsildar,
Sholinganallur Taluk, Sholinganallur,
Chennai- 119.
- 4 The President
Vengaivasal First Grade panchayat
Vengaivasal Panchayat Office. Noothencheri
Vengaivasal, Chennai-73.
- 5 The Sub Registrar
Selaiyur Sub Registration Circle No.36
Bharathmatha Salai (Opp. to Railway
Quarters) Ruby Mansion, East Tambaram,
Selaiyur Chennai-73.
- 6 N.Thangaraja

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of Mandamus directing the respondents 1 to 5 to take necessary steps and to retrieve the Government Land from encroachment and to cancel all the conveyance deeds in respect of the Government Land within a specified period.

For Petitioner : Mr. Vengai I. Prakash Raj
For Respondents : Mrs. A. Srijayanthi
Spl. Govt. Pleader - R1, R3 & R5
No Appearance - R2, R4 & R6

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1,3 and 5. Despite service of notice, none appears for respondents 2,4 and 6 nor is any representation made on their behalf.

2. The petitioner, stated to be a resident of the area in question, has come up with the instant writ petition seeking a direction to the official respondents 1 to 5 to remove the encroachment from the land in question allegedly occupied by the sixth respondent and also the construction carried out thereon.

3. According to the learned counsel for the petitioner, a representation was made by the petitioner to the first respondent on 29th November, 2013 pointing out the irregularities being committed by the sixth respondent. Finding no response, a representation was made to the second respondent on 20th March, 2014. The second respondent, taking note of the said representation, sent a communication on 02.05.2014 to the Tahsildar/ third respondent to take action for removal of the encroachment, as the land in question is admittedly, a Government land. According to the learned counsel for the petitioner, it appears that the Tahsildar had kept the matter in cold storage. Thereafter, the petitioner had written to the Tahsildar as well as second respondent continuously on 09.12.2015 and also thereafter. Inaction on the part of the officers compelled the petitioner to move this Court with the instant writ petition.

4. A notice was ordered on 12.02.2016 and it was duly accepted by the Special Government Pleader on behalf of the respondents 1 3 and 5. Mr. Roofus Abraham, learned Government Advocate accepted notice on behalf of the second respondent Commissioner. However, till date, no response has been filed.

5. Accordingly, we direct the third respondent/ Tahsildar to cause spot inspection and take action immediately for removal of the encroachment, after notice to the alleged encroachers, within a period of four weeks. The third respondent/ Tahsildar is further directed to submit a compliance report before this Court after six weeks.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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Copy to

The Section Officer,
Writ Section,
High Court,

Madras. (With a direction to post the matter after 6 weeks after
filing of complianced report by the R3)

+5cc to Mr.Vengai I.Prakash Raj, Advocate, S.R.No.16727

1cc to the Government Pleader, S.R.No.17299

W.P. No.5224 of 2016

ksj (CO)
srg (22/03/2016)



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