

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

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

THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.No.7212 of 2016

A.J. Mubarak Ali

... Petitioner

Vs

1. The Belur Town Panchayat
Rep. by its Executive Officer,
Belur-636 104
Valapady Taluk Salem District.
- 2 Indumathi
Door No.69 Adi Dravidar Colony,
Nathan Theatre East Street,
Belur-636 104 Valapady Taluk,
Salem District.
- 3 Angamuthu
Door No.70 Adi Dravidar Colony,
Nathan Theatre East Street Belur-636 104 ,
Valapady Taluk, Salem District.
- 4 Ramesh
Door No.71 Adi Dravidar Colony,
Nathan Theatre East Street Belur-636 104,
Valapady Taluk Salem District.
- 5 Jagadeesan
Door No.72 Adi Dravidar Colony, Nathan
Theatre East Street Belur-636 104 Valapady
Taluk Salem District.
- 6 Sakthi
Door No.72-A Adi Dravidar Colony
Nathan Theatre East Street Belur-636 104,
Valapady Taluk, Salem District.

- 7 Vadivel
Door No.73 Adi Dravidar Colony,
Nathan Theatre East Street, Belur-636 104,
Valapady Taluk, Salem District.
- 8 Balaji
Door No.74 Adi Dravidar Colony,
Nathan Theatre East Street Belur-636 104,
Valapady Taluk, Salem District.
- 9 Sakthivel
Door No.75 Adi Dravidar Colony,
Nathan Theatre East Street Belur-636 104,
Valapady Taluk Salem District.
- 10 Arumugham
Door No.76 Adi Dravidar Colony
Nathan Theatre East Street Belur-636 104,
Valapady Taluk Salem District.
- 11 Anandhan
Door No.77 Adi Dravidar Colony,
Nathan Theatre East Street, Belur-636 104,
Valapady Taluk, Salem District.
- 12 Kamalam
Door No.78 Adi Dravidar Colony
Nathan Theatre East Street Belur-636 104,
Valapady Taluk, Salem District.
- 13 Rajammal
Door No.79 Adi Dravidar Colony
Nathan Theatre East Street Belur-636 104,
Valapady Taluk, Salem District.
- 14 Arumugham
Adi Dravidar Colony, Nathan Theatre East
Street Belur-636 104 Valapady Taluk,
Salem District.

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the first respondent herein to act on the petitioner's representation dated 29.12.2015 and consequently remove the encroachments made by the respondents 2 to 14 on the Nathan Theatre East Street, Belur.

For Petitioner : Mr. T. Murugamanickam

For Respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1

Mr. T. Sundaravadanam
- RR 6,8,9,12,13 & 14.
No Appearance - RR 2 to 5, 7, 10 & 11

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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 first respondent as well as the learned counsel for the respondents 6,8,9,12,13 and 14. Despite service of notice, none appears on behalf of the other respondents nor is there any representation on their behalf. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent as well as the learned counsel for the respondents 6,8,9,12,13 and 14, the writ petition is taken up for final disposal.

2. In the instant writ petition, a direction was sought against the first respondent to consider the petitioner's representation dated 29th December, 2015 wherein allegations were made to the effect that encroachment has been made by the respondents 2 to 14 on the Natham Theatre East Street, Belur.

3. Pursuant to the notice of this Court dated 29th February, 2016, it appears that the first respondent has caused a show cause notice dated 9th March, 2016. It is also reported that the notice has been served on all the respondents except respondents 4 and 8, who declined to receive the same. On receipt of the notice issued by this Court, except the respondents 6,8, 9, 12, 13 and 14, no other respondents have chosen to appear before the Court.

4. Learned counsel appearing for the respondents 6, 8, 9, 12 13 and 14 submits that the construction is made on proper approval and the allegations of the petitioner is baseless.

5. Be that as it may, the learned Special Government Pleader, appearing for the first respondent submits that the notice has been issued affording opportunity of hearing to the respondents 2 to 14 and on receipt of the representation/objection, their case will be properly examined and the respondents 2 to 14 will also be heard. On examination, if it is found that the construction made by them is by way of encroachment, necessary steps will be taken to remove the encroachment, in accordance with law and on its own merits, within a period of two weeks thereafter.

6. In view of the aforesaid submission made by the learned Special Government Pleader appearing for the first respondent, the respondents 2 to 14 are permitted to make their representation, within a period of two weeks from today and on receipt of the same, the first respondent shall consider and take consequential action after affording opportunity of hearing to the petitioner as well as the respondents 2 to 14, within a period of two weeks thereafter.

With the above observations and directions, this writ petition is disposed of. No costs.
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s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Executive Officer,
The Belur Town Panchayat
Belur-636 104
Valapady Taluk Salem District.

+ 1 cc to Mr.T.Sundaravadanam, Advocate SR 17170

+ 1 cc to Mr.T.Murugamanickam, Advocate SR 17086

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prk1/4

W.P. No.7212 of 2016

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