

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6071 of 2017

G.Ganagarajan

... Petitioner

Vs.

1 The District Collector
Kanchipuram District
Kanchipuram.

2 The Commissioner
Kundrathur Town Panchayat
Kundrathur.

3 The Thasildhar
Alandur Taluk
Alandur.

4 The President
Town Panchayat
Moulivakkam.

5 Rajeswari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing 3rd respondent to consider the petitioner's representation dated 13.10.2016 and subsequently direct the 4th respondent to remove the encroachment in Moulivakkam area more fully described in the schedule to petition.

For Petitioner

: Mr.Aravind Subramaniam

For Respondents

: Mr.T.N.Rajagopalan
Special Government Pleader
for respondents 1 to 4

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for respondents 1 to 4.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the third respondent to consider the petitioner's representation dated 13.10.2016 and subsequently direct the fourth respondent to remove the encroachment in Moulivakkam area more fully described in the schedule to petition.

3. The petitioner claims to be a resident of L & T Nagar, Moulivakkam Village. It is alleged that the ***fifth** respondent had encroached the road to an extent of 24 feet along with canal which is nearby Porur Lake and due to this, the petitioner is not able to park his car on the street and during rainy season, water stagnation is caused. In this regard, the petitioner made a series of representations to the respondent authorities and respondents 2 and 3 in turn directed the fourth respondent to remove the encroachments. However, no action was initiated thereafter. Hence, the present writ petition is filed for the relief stated supra.

4. It is the specific case of the petitioner that the canal near Porur Lake is overflowing during the encroachments put up in the canal and the property of the petitioner is inundated due to the same, causing serious inconvenience to him. When there is no drop of water even in the canal, we are surprised to note the said stand of the petitioner that the canal water is overflowing causing inconvenience to him. However, we make it clear that this order shall not preclude the respondent authorities from considering the representation dated 13.10.2016 given by the petitioner complaining about the encroachment put up by the ***fifth** respondent on road and the canal.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

Dated : 22.03.2017

***Corrected as per the Order
of this Court dated 17.04.2017
and made herein**

Sd/- Assistant Registrar(CS II)

Dated : 02.05.2017

/true copy/

Sub Assistant Registrar

To:

1. The District Collector
Kanchipuram District
Kanchipuram.
2. The Commissioner
Kundrathur Town Panchayat
Kundrathur.
3. The Thasildhar
Alandur Taluk
Alandur.
4. The President
Town Panchayat
Moulivakkam.

To be Substituted to the

Order already despatched on

05.04.2017

+1 cc to mr.M.Aravind Subramanian,advocate,sr.16159
+1 cc to Govt.Pleader,sr.16305

W.P.No.6071 of 2017

kk(co)
krd 27/3

CA(03.05.2017)



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