

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2017

CORAM

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI., J.,

W.P.No.31580 of 2017

Mr.V.V.S.Subbarao ... Petitioner

Vs.

1.The Collectorate,
Thiruvallur District,
Thiruvallur - 602 001

2. The Tahsildhar,
Ambattur Taluk Office,
Ambattur, Chennai 600 053.

3. Mrs.Krishnakumari,

4. Mr.T.V.Mari ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment in 60 feet wide Karukku Menambedu Main Road comprised in Survey No.23 (Poramboke Land), Menambedu Village, Ambattur Taluk and Thiruvallur District within a stipulated period.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.M.E.Rani Selvam,
Additional Government Pleader

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)

By consent the writ petition is taken up for final disposal. Ms.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondent 1 and 2.

2. The petitioner would state that the property at plot No.1, comprised in survey No.25/1B to an extent of 2400 Sq.ft.

out of Acres 0.37 Cents situated at Menambedu Village, Ambattur Taluk, Thiruvallur District was purchased by his father through a registered Sale Deed No.1371 of 1985 dated 23.03.1985 registered on the file of the Sub Registrar Office, Ambattur.

3 The petitioner would further state that after the demise of his father on 13.04.2011, he along with his sister and mother had succeeded to the said estate and all of them are in possession and enjoyment of the property.

4. It is a specific case of the petitioner that on the western side of the property, there is a 60 feet wide Karukku Menambedu Main Road comprised in Survey No.23 which is classified as "Government Poramboke land" and the 3rd and 4th respondents with the help of their henchmen had encroached upon the said road in Survey No.23 and illegally constructed a compound wall and in this regard, police complaint was also given at TI, Ambattur Police Station, Chennai - 600 053 in C.S.R.No.768/2015.

5. The petitioner has also submitted a representation to the Hon'ble Chief Minister's Special Cell, Tamil Nadu bearing petition No.2016/886859/OY dated 19.07.2016 and also submitted a representation to the 2nd respondent and though, it was received and acknowledged on the same day, no action has been taken so far and hence, came forward to file this writ petition.

6 This Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader and also perused the materials placed before it.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances of this case and without going into the merits of the same, directs the 2nd respondent to put the petitioner as the respondents 3 and 4 on notice and cause an inspection of the land in Survey No.23, within a period of four weeks from the date of receipt of copy of this order and depending upon the result of the same, shall take appropriate action within a further period of six weeks thereafter and communicate the decision taken to the petitioner as well as to the respondents 3 and 4.

6 The writ petition stands disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1.The Collectorate,
Thiruvallur District,
Thiruvallur - 602 001

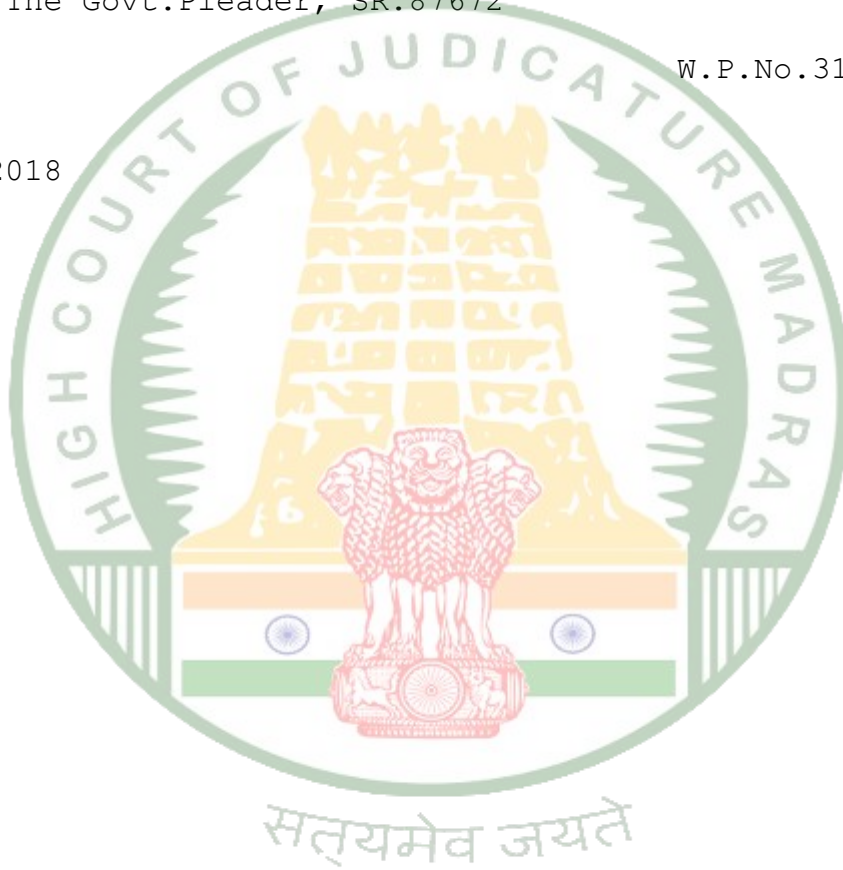
2. The Tahsildhar,
Ambattur Taluk Office,
Ambattur, Chennai 600 053.

+ 1 cc to Mr.M.Selvam Advocate,SR.87045

+ 1 cc to The Govt.Pleader, SR.87672

W.P.No.31580 of 2017

gj (co)
nr 10/01/2018



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