

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.22006/2017

D.Munusamy

Petitioner

Versus

1.The District collector
Tiruvallur District.

2.The Tahsildar
Gummidipoondi Taluk
Gummidipoondi, Tiruvallur District.

3.The Divisional Engineer
Highways Department
Ponneri, Tiruvallur District.

4.The Assistant Divisional Engineer
Highways Department,
Gummidipoondi,
Tiruvallur District.

5.C.Bakkiammal

6.D.Raja

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to remove the unauthorised encroachment in the vacant land adjoining the petitioner's land and the Highways at GNT Road, towards Chennai near Hero Honda Motors Shop and also direct the 2nd respondent to measure the Government area within the stipulated time.

For Petitioner : Mr.M.Jai Ganesh
For R1 to 4 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioner claims to be sole and absolute owner of the property consisting of the land admeasuring to an extent of 0.08.50 Hectares in Survey No.480/3, Patta No.1031, situated at Vettu Colony, Pudhu Nagar, Gummidipoondi, near GNT Highways Road, opposite to Hero Honda Motors. According to the petitioner, the adjacent to his land, there is a Government Poramboke adjacent to the Highways and previously some people had encroached upon the same and based on his complaint, they were removed and now the respondents 5 and 6 very recently has put up a thatched roof very close to the Highways and in this regard, the petitioner has given a representation dated 11.07.2017 to the respondents 1 to 4 based on which, the 4th respondent vide Memo in No.301/2017/,epc/ dated 13.07.2017 has informed the petitioner that necessary instructions have been given to the 2nd respondent to measure and fix up the boundaries, based on which, necessary action will be taken to remove the encroachment on the road and despite the lapse of nearly one month thereafter no action has been taken to remove the encroachment and the private respondents 5 and 6 are taking further steps to encroach further on account of the inaction on the part of the official respondents and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 4 would submit that further action will be taken on the communication of the 4th respondent dated 13.07.2017 by the 2nd respondent.

4 This Court has considered the rival submissions and also perused the materials placed before it.

5 In the light of the above facts and circumstances, this Court directs the 2nd respondent to act on the above said communication of the 4th respondent dated 13.07.2017 and submit a report to the respondents 3 and 4 and upon receipt of the same, the respondents 3 and 4 shall put the respondents 5 and 6 on notice and thereafter, take appropriate action on merits and in

accordance with law on the representation dated 04.08.2017 submitted by the petitioner within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 5 and 6.

6 The writ petition stands disposed of with the above observation and direction. No costs.

7 List the matter on 06.10.2017 for reporting compliance.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District collector
Tiruvallur District.
- 2.The Tahsildar
Gummidipoondi Taluk
Gummidipoondi, Tiruvallur District.
- 3.The Divisional Engineer
Highways Department
Ponneri, Tiruvallur District.
- 4.The Assistant Divisional Engineer
Highways Department,
Gummidipoondi,
Tiruvallur District.

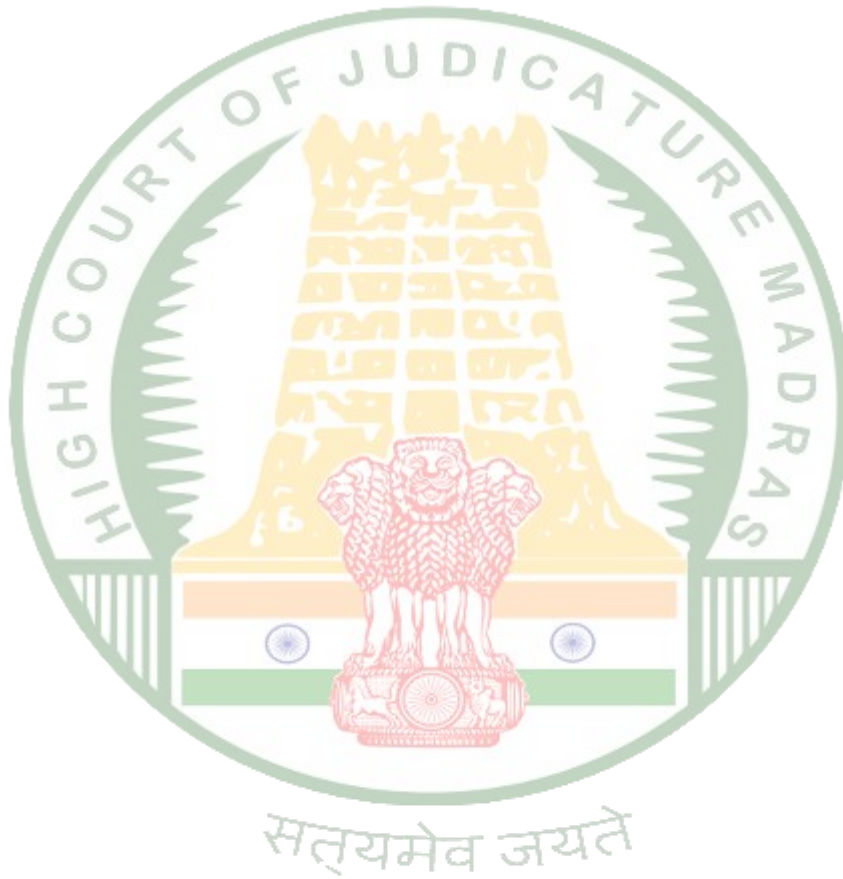
5 The Section Officer
Writ Section High Court

(Case posted on 06.10.2017 for reporting compliance)

+1 cc to M/s.Jai Ganesh Advocate sr 60243
+1 cc to M/s.Government Pleader sr 59982

WP.No.22006/2017

cnr (co)
aa24/08/2017



WEB COPY