

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.1310 of 2017

P. Ashok

... Petitioner

Vs.

1. The Assistant Divisional Engineer
Highways Department, Kuringipadi
Cuddalore District, Tamil Nadu.
2. The District Collector
Cuddalore, Cuddalore District.
3. The Thasildar
Office of the Thasildar, Chidambaram
Cuddalore District, Tamil Nadu.
4. M. Manokaran Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus to direct respondents 1 to 3 to remove the encroachment made by the 4th respondent on the State Highway road bearing R.S.No.213, situated at Sethiyathope Town, Chidambaram Taluk as per the report of the 3rd respondent bearing reference Na.Ka F2/681/2012, dated 13.03.2013 within a stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for respondents 1 to 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner alleges that the fourth respondent has encroached on the State Highway Road bearing R.S.No.213, situated at Sethiyathope Town, Chidambaram Taluk and despite an

inspection carried out by the Executive Officer of the Sethiyathope Panchayat finding such unauthorized construction and communicating the same vide letter dated 30.1.2014, no action appears to have been taken.

2. We find this to be one more case showing complete administrative inaction. If in the own opinion of the respondents unauthorized construction was going on, then it should not require a party to approach the Court for action being taken.

3. We, thus, direct the first respondent to carry out inspection of site to determine the current position within fifteen days from the date of receipt of the order and in respect of any unauthorized construction or encroachment to take action in accordance with law, after notice to all concerned, and conclude the proceedings within a maximum period of two months thereafter.

4. The District Collector/second respondent is called upon to look into the matter of inaction on the part of the authorities for almost three years and to determine why no action was taken and to fix responsibility and take consequent administrative disciplinary actions.

5. The petition, accordingly, stands disposed of. No costs.

List for compliance on the latter aspect on 17.3.2017.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Assistant Divisional Engineer
Highways Department, Kuringipadi
Cuddalore District, Tamil Nadu.
2. The District Collector
Cuddalore, Cuddalore District.
3. The Thasildar
Office of the Thasildar, Chidambaram
Cuddalore District, Tamil Nadu.

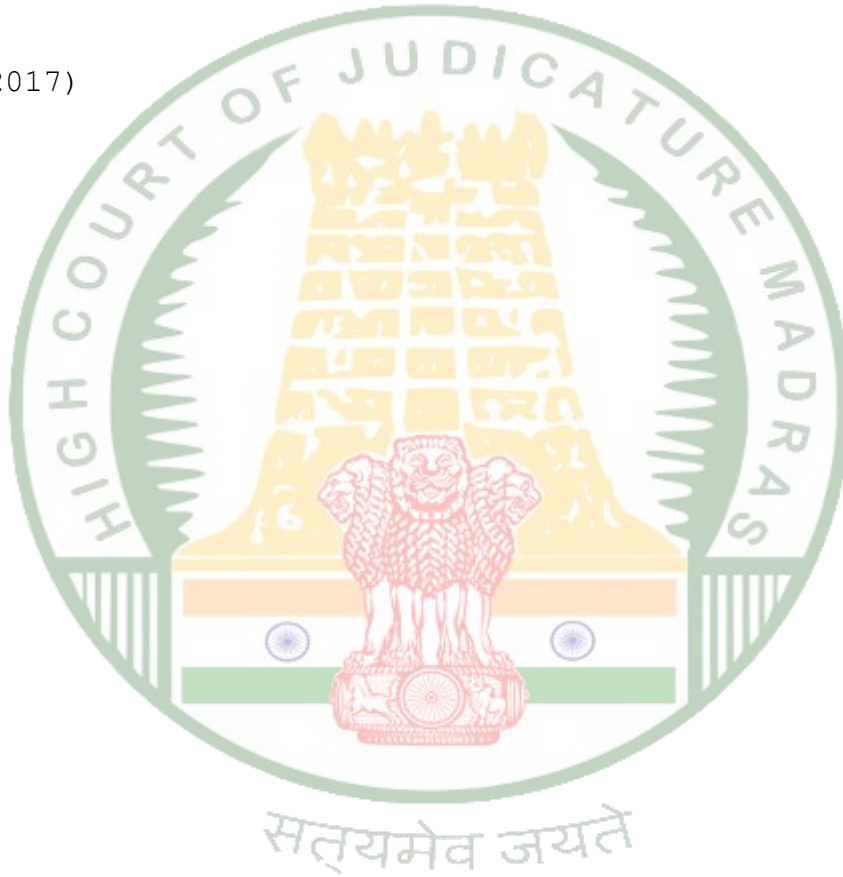
Copy To

The Section Officer,
Writ Section,
High Court, Madras.
(For watching the Report, post on 17.03.2017)

+1cc to the Government Pleader, S.R.No.3963

W.P.No.1310 of 2017

PA (CO)
CA(27/01/2017)



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