

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.22854/2017 & WMP.No.24032/2017

Mr.S.Mohana Rajan

Petitioner

Versus

- 1.The Collector  
Office of the Collectorate  
Kancheepuram,  
Kancheepuram District.
- 2.The Superintendent of Police  
O/o.The Superintendent of Police  
Kancheepuram, Kancheepuram District.
- 3.The Tahsildar  
O/o.The Tahsildar  
Tambaram, Chennai.
- 4.The Inspector of Police  
Selaiyur Police Station  
Selaiyur, Chennai.
- 5.The Village Administrative Officer  
O/o.The Village Administrative Officer  
Selaiyur Village, Chennai.

..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 demolish and remove the illegal construction over the Government Public Road situated at Northern side of the petitioner property bearing Plot No.15, Shantha Nagar, Selaiyur Village, Tambaram Taluk, [previously Saidapet Taluk], comprised in Survey No.385/1, Patta No.1434, as per patta the survey No.385/1B1A1A2, measuring an extent of 3077 sq.ft.

For Petitioner : Mr.J.Ferozkhan

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 5.

2 The petitioner claims that he is the owner of Plot No.15, Santha Nagar behind Bharat Engineering College, Camp Road, Selaiyur, Tambaram, and 40 feet common road lies in front of his residence. The petitioner would aver that local residents, viz., Tvl.Ramu and Shankar, from Santha Nagar Housing Colony started putting up a religious structure/temple on the 40 feet common road without obtaining permission from the competent authority and also the said construction is per se is unauthorized one. The petitioner, in this regard, has submitted a representation dated 29.08.2016 to the 3<sup>rd</sup> respondent followed by another representation dated 11.02.2017 to all the respondents and in spite of receipt and acknowledgment, no action has been taken to halt the offending construction and the construction of the religious structure is being carried on in a fast phase and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 This Court heard the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials placed before this Court.

4 Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the respondents 3 and 5 to act on the representation of the petitioner dated 11.02.2017 and after putting the concerned persons, including Tvl.Ramu and Shankar - residents of Santha Nagar Housing Colony, on notice and thereafter, shall pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned.

5 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

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+1 C.C. To Govt. Pleader, SR.NO.62592.

+1 C.C. To M/S.J.FEROZKHAN, Advocate, SR.NO.62002

WP.No.22854/2017

AK (CO)  
ADD 06.10.2017

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