

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24029/2017 & WMP.No.25341/2017

Mr.G.Nagalingam .. Petitioner

Versus

- 1.The Special Tahsildar
Adhidraavidar Welfare Scheme
Thiruvarur.
- 2.The Tahsildar
Thiruvallur Taluk, Thiruvallur.
- 3.The District Collector,
Thiruvallur District, Thiruvallur.
- 4.The Block Development Officer
Thiruvallur Panchayat Union at Ekkadu
Ekkadu Village, Thiruvallur Taluk.

5.Mohan
6.Rajappan

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to initiate action as per law against the respondents 5 and 6 by stopping the unauthorized construction and to abate the encroachment made by the respondents 5 and 6 in light of petitioner's representations dated 17.03.2015, 07.06.2017 and 17.08.2017.

For Petitioner : Mr.R.Dhanaram
For R1 to R4 : 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 4.

2 The petitioner claims to be owner of 2040 sq.ft., of land at Aranvoyal Grama Natham Survey No.251/1B through a registered Sale Deed dated 10.10.2002 bearing Document No.1619/2002 on the file of the Sub Registrar, Manavala Nagar. The grievance expressed by the petitioner is that the respondents 5 and 6 had encroached upon the 30 feet public road and started putting up construction, thereby reducing the width of the said road and as a consequence, the petitioner and others who are having access to their properties through the said road, are affected and despite very many personal representations, the official respondents did not take any action and therefore, a legal notice dated 17.03.2015 was sent to the respondents 1 and 3 and to the jurisdictional Village Administrative Officer, followed by representations dated 07.06.2017 and 17.08.2017 respectively and in spite of receipt and acknowledgment, no action has been taken and hence, came forward to file the present writ petition.

3 Heard the submissions of Mr.R.Dhanram, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader, appearing for the respondents 1 to 4.

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, directs the respondents 2 to 4 to put the petitioner as well as the respondents 5 and 6 on notice, cause inspection of the alleged offending construction being put up and whether it has encroached upon the public road and further that whether the construction is an authorised one and thereafter, take action in accordance with law by considering the petitioner's representations dated 07.06.2017 and 17.08.2017 respectively and pass appropriate orders within a period of six 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 respondents 5 and 6.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Special Tahsildar
Adhidraavidar Welfare Scheme
Thiruvavarur.

2.The Tahsildar
Thiruvallur Taluk, Thiruvallur.

3.The District Collector,
Thiruvallur District, Thiruvallur.

4.The Block Development Officer
Thiruvallur Panchayat Union at Ekkadu
Ekkadu Village, Thiruvallur Taluk.

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.64370
+1cc to the Government Pleader, S.R.No.64953

MSM(CO)
GN(04/10/2017)

WP.No.24029/2017



WEB COPY