

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24345/2017

V.Srinivasan

.. Petitioner

Versus

1.The District Collector,
Villupuram.

2.The Revenue Thasildar,
Vikravandi, Villupuram District.

3.Arumugam,
son of Nannigounder,
Athiyur Thirukai,
Vikravandi Taluk,
Villupuram 605 201

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 2 to remove the encroachments made by the 3rd respondent in Nattam Poromboke street in Survey No.383/10, in Athiyur Thirukai, Vidravandi taluk.

For Petitioner : Ms.B.Sripriya for Mr.V.Ragavachari

For RR 1 and 2 : 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.

2 The petitioner in the affidavit filed in support of the writ petition would aver among other things that he is a retired Village Administrative Officer and also a resident of Athiyur Thirukai and after his retirement, he is carrying on agricultural operation for the purpose of eking out his livelihood. The petitioner would further aver that the land in question in Survey No.383/10 in the said village is classified as "Natham Poromboke Street" as per Government Records. All the residents of the area including the petitioner are using the same as a common passage and during rainy seasons excess water flows through the said Survey Number and this also prevents stagnation of water and as such, it is a water course also. The petitioner expressed his grievance that the 3rd respondent had encroached upon a part of the said land and started putting up wall, thereby, denying the right of access to the petitioner as well to the other residents. In that regard, he has submitted a representation to the Regional Development Officer of Kaanai, who vide communications dated 11.08.2016, 11.11.2016 and 21.12.2016 respectively has directed the 2nd respondent to measure and

fix the portion of encroachment and directed to carry out the exercise along with the land surveyor. In spite of it, the 2nd respondent has failed to take any action. Attention of this Court was also drawn to the information furnished under the Right to information Act by the office of the local body wherein, it has been indicated that on account of non-survey of the property, further exercise could not be carried out.

3 This Court heard the submissions of the learned counsel for the petitioner and Mr.A.N.Thambidurai, learned Additional Government Pleader who accepts notice on behalf of respondents 1 and 2 and perused the materials placed before it.

4 Though, the petitioner prays for a larger relief, this Court in the light of the facts and circumstances without going into the merits claims made by the petitioner directs the 2nd respondent to respond to the communications of the Regional Development Officer and the Local body dated 11.08.2016, 11.11.2016 and 21.12.2016 respectively and after putting 3rd respondent on notice, shall take appropriate action 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 3rd respondent. Since, it is

informed about the non cooperation on the part of the jurisdictional surveyor as per the information/communication furnished under the Right to Information Act, this Court directs the said official to extend cooperation to the 2nd respondent to do the said exercise, delay for which, he or she may be liable for departmental and other action.

5 The writ petition stands disposed of. However there shall be no order as to costs.

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[MSNJ] [NSSJ]
11.09.2017



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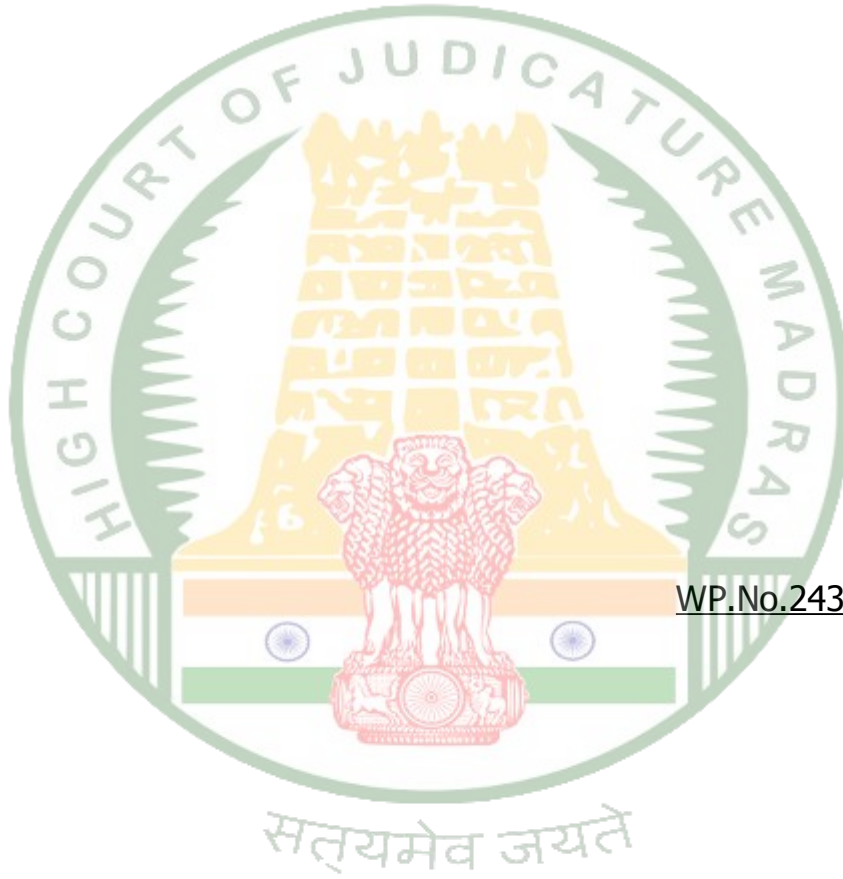
To

- 1.The Secretary to the Government,
Secretariat,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-600 001.
- 3.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
61, Basin Bridge Road, Old Washermenpet,
Chennai-600 021.
- 4.The Executive Engineer Zone V,
Greater Corporation of Chennai,
Royapuram, Chennai.
- 5.The Assistant Executive Engineer,
Division-57, Unit 13, Zone V,
Greater Chennai Corporation,
Park Town, Chennai-600 001.

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M.SATHYANARAYANAN.,J.
and
N.SESHASAYEE.,J.

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