

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.27269/2017 & WMP.No.29121/2017

Mrs.S.Thangapushpam

... Petitioner

Vs

1 The Collector,
O/o.The Collectorate
Kancheepuram District
Kancheepuram 631 501.

2 The Commissioner
Tambaram Municipality
Muthuranga Mudali Street
Tambaram West, Chennai 600045.

3 The Special Tahsildar
Tambaram Village,
Krishna Nagar
Mudichur Road, Tambaram West
Chennai 600 045.

4 Mrs.P.P.Malini

5 M/s.High Stitch Apparel LLP
No.47, 1st Main Road,
Hudco Nagar, Kattupakkam
Chennai 600 056.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance a Writ of mandamus directing the respondents 1 to 3 to forthwith action against respondents 4 and 5 by removing encroachments put up in public road in Survey No.38/2A, TS.No.1/1, Ward "D" Block 8, Tambaram Village, Tambaram Taluk, based on representation of the petitioner dated 25.09.2017.

For Petitioner : Mr.S.Ramesh
For Respondents: Mr.M.Digvijay Pandian,
AGP for RR 1 & 3
Mr.P.Srinivas for R2

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijay Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 3 and Mr.P.Srinivas, learned Standing Counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner, in the affidavit filed in support of this writ petition would aver among other things that she is the co-owner of the property comprised in TS.No.1/9, 1/B Block No.8, Ward "D", Tambaram Village and Taluk, Kancheepuram District and on the western side of the said property, there exist a public road in TS.No.1/1, joining the Kishkinta Road and further that there is a water channel running parallel to the public road. The petitioner would state that she has also fenced her property and further that the 4th respondent is the owner of the property at the confluence of the 40 feet road and Kishkinta road in S.NO.38/2B1 and when the petitioner visited her property on 24.09.2017, to her shock and surprise, she found that the respondents 4 and 5 had encroached upon the said public road and started putting up a compound wall and thereby, blocking it. The petitioner, in this regard, has submitted a representation on 25.09.2017 to the respondents 1 to 3 and in spite of receipt of acknowledgment, no orders have been passed so far and hence, she came forward to file the present writ petition.

3 The Court heard the submissions of Mr.M.Digvijay Pandian, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr.P.Srinivas, learned Standing Counsel appearing for the 2nd respondent and also perused the materials placed before it.

4 Though the petitioner has prayed 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 her either in her representation or in this writ petition, directs the respondents 2 and 3 or their officials, after putting the petitioner as well as the respondents 4 and 5 on notice, shall cause a joint inspection within a period of two weeks from the date of receipt of a copy of this order and depending upon the

same, the respondents 2 and 3 shall consider and dispose of the petitioner's representation dated 25.09.2017 on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5.

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

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

AP
To

- 1 The Collector,
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+1 CC to Mr.S. Ramesh, Advocate sr 75566.

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SP(14/11/2017)