

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.28726 of 2017

K. Ramesh

... Petitioner

Vs

1. State rep.by
The District Collector,
Thiruvallur District,
Thiruvallur

2. The Revenue Divisional Officer,
Ponneri, Thiruvallur District,

3. The Tahsildar,
Gummidipoondi,
Thiruvallur District.

4. Sivagami

5. R.Kotteeswari

6. N.Kattamma

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus or any other appropriate writ or direction directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 at the entrance of the petitioner's property at Door No.258/1, 5th Street, Valliammai Nagar in Old Survey No.481 and New Survey No.481/1 to an extent of 8 cents at No.75, Vettu Colony, Old Gummidipoondi Village, Thiruvallur District within the stipulated period.

For Petitioner : Mr.S.Parthasarathy

For R1 to R3 : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2. The petitioner in the affidavit filed in support of this writ petition would aver among other things that he is the owner of the property bearing Door No.258/1, 5th Street, Valliyammai Nagar [Old No.481] new Survey No.481/1, admeasuring to extent of 8 cents, Old Gummidipoondi, Tiruvallur Taluk and District. The petitioner said to have purchased the said land through a registered Sale Deed bearing Doc.No.6557/2013 dated 12.12.2013, registered on the file of the office of the Sub Registrar, Gummidipoondi. The petitioner would further claim that he had also put up a construction consisting of Ground + First Floors after getting valid permission from the Executive Officer, Gummidipoondi Town Panchayat and the said construction is strictly in accordance with the Planning Permission and in respect of the site in question, patta has also been granted in his favour. Further, the petitioner would state that since the respondents 4 to 6, right on the edge of his property, had started putting up the thatched shed, encroaching upon the passage and thereby preventing the ingress and egress to the petitioner's property, he has submitted a representation dated 01.09.2017 to the 2nd respondent about the said illegal act and despite the receipt and acknowledgment of the same, no action has been taken so far to abate the said nuisance / illegal act and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3. The learned counsel for the petitioner has drawn the attention of this to the typed set of documents, more particularly, the photographs available at page No.63 and would submit that the photographs would clearly reveal that right on the platform and a semi-permanent structure is being put up by the respondents 4 to 6 blocking the ingress and egress to the petitioner's property and despite the receipt of the representation submitted in that regard, the respondents had failed to act and left with no other option only, the petitioner is constrained to approach this Court by filing the present writ petition.

4. Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that necessary action will be taken in accordance with law to remove encroachment and status report will also be filed before this Court as to the action taken.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. A perusal of the photographs would disclose that right on the platform, three thatched houses are located and one hollow block construction is being put up,

7. In the light of the above facts and circumstances, this Court directs the 3rd respondent to put the petitioner as well as the respondents 4 to 6 on notice and thereafter consider and dispose of the petitioner's representation dated 01.09.2017 on merits and in accordance with law and pass appropriate orders 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 respondents 4 to 6 herein.

8. The writ petition stands disposed of with the above direction. No costs.

9. List on 19.01.2018 for filing the Status Report by the 3rd respondent.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP
To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Ponneri, Thiruvallur District.
3. The Tahsildar,
Gummidipoodi,
Thiruvallur District.

Copy to : The Section Officer
Writ Section,
High Court, Madras.

+lcc to Mr.S.Parthasarathy, Advocate, S.R.No.79955

+lcc to the Government Pleader, S.R.No.80157

W.P.No.28726 of 2017

MN(CO)
CA(15/11/2017)