

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

Coram

The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.42490 of 2016

and

W.M.P.Nos.36381 and 36382 of 2016

Kanathur Reddykuppam Fishermen,
Co-operative Society,
Rep.by its.President,
Mr.Arumugam.

....Petitioner

- Vs -

1. The District Collector-cum-
Inspector of Panchayat,
Kancheepuram District,
Kancheepuram.
2. The Sub Collector,
Revenue Divisional Officer,
Chengalpaet Revenue Division,
Chengalpet,
Kancheepuram District.
3. The Tahsildhar,
Thiruporur Taluk,
Thiruporur,
Kanchipuram District.
4. The Commissioner/Block Development Officer,
Thiruporur Panchayat Union,
Thiruporur,
Kancheepuram District.
5. The President,
Kanathur Reddykuppam Village Panchayat,
Kanathur, Kovalam Post,
Kancheepuram District.
6. The Director of Coastal Zone,
Management and Regulation Board,
Panagal Maligai,
Saidapet,
Chennai - 600 015.

7. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai.

8. The Member Secretary,
Local Planning Authority,
Mahabalipuram,
Kancheepuram District.

9. The Deputy Commissioner of Police,
Law and Order,
Adyar, Chennai.

10. The Inspector of Police,
Law and Order,
Kanathur Police Station,
Kanathur, Chennai.

11. U.Nusrath Sherif ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 9 to take appropriate action against the 11th respondent under the provisions of Tamil Nadu Panchayats Act 1994 and other legal provisions, consequently directing the 7th respondent panchayat to ensure the usage of pathway through the S.Nos.87/3 and 92/2B Kanathur Reddykuppam Village, Thiruporur Taluk, Kancheepuram District.

For Petitioner : Mr.M.R.Jothimanian

For Respondents: Mr.K.Dhananjeyan,
Spl. Govt. Pleader for R1 to R3, R6,
R9 and R10
Mr.M.Elumalai, Govt. Advocate
for R4, R5 and R8
Mr.M.Karthikeyan for R7
Mr.V.Chandraprabhu for R11

ORDER

The petitioner, which is a Society, has come forward to file this writ petition with the grievance that the public pathway that is being used through S.Nos.87/3 and 92/2B Kanathur Reddykuppam Village, Thiruporur Taluk, Kancheepuram District is being obstructed to by the 11th respondent by putting up a wall.

As no action is forthcoming despite representations made in this regard, the petitioner seeks appropriate direction from this Court.

2.Learned counsel appearing for the petitioner would submit that the said pathway is a public pathway and therefore, the construction is unauthorised, more so, no permission is obtained from the planning authority viz., the 8th respondent.

3.Learned counsel appearing for the 11th respondent would submit that there is already an order obtained by the said respondent in Crl.O.P.No.22692 of 2016 to put up the wall and since it is a private dispute between the petitioner on the one hand and the 11th respondent on the other hand, no interference is required.

4.The order passed in Crl.O.P.No.22692 of 2016 does not have a bearing to the relief sought for in the writ petition. Admittedly, the petitioner is not at all a party. There is no finding rendered therein which is a criminal proceeding, on the title of the 11th respondent. On the application made by the petitioner to the first respondent, the third respondent was asked to look into it and take appropriate action, as seen from the proceedings in Na.Ka.No.5116/2016/Aa1 dated 20.03.2016. It appears that no action has been taken thereafter.

5.Under those circumstances, a direction is issued to the third respondent to conclude the enquiry after hearing the petitioner and the 11th respondent and send a report to the first respondent, after due notice to the parties, within a period of eight weeks from the date of receipt of a copy of this order. Based upon the said report, the first respondent shall pass appropriate orders within a further period of six weeks thereafter. The first respondent is at liberty to issue notice to the petitioner as well as the 11th respondent before taking a final decision. In the meanwhile, status quo as on today shall be maintained. It is clarified to the effect that the access of the 11th respondent alone cannot be obstructed by the petitioner.

6.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

mmi

Sub Assistant Registrar

To

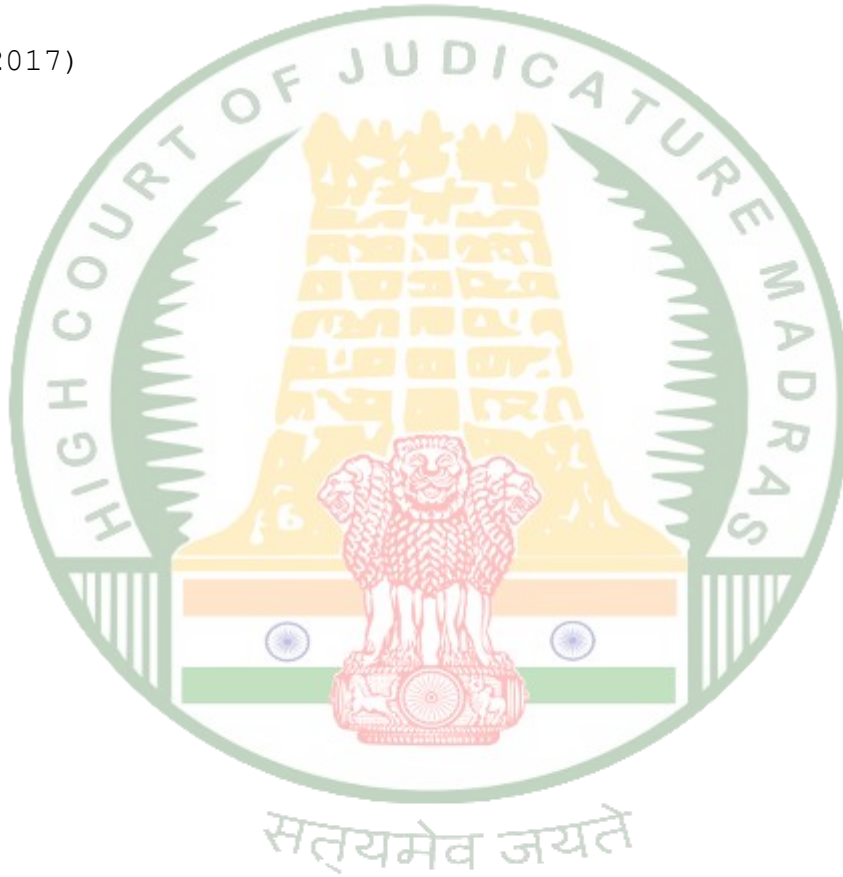
1. The District Collector-cum-Inspector of Panchayat,
Kancheepuram District,
Kancheepuram.
2. The Sub Collector,
Revenue Divisional Officer,
Chengalpaet Revenue Division,
Chengalpet, Kancheepuram District.
3. The Tahsildhar,
Thiruporur Taluk,
Thiruporur,
Kancheepuram District.
4. The Commissioner/Block Development Officer,
Thiruporur Panchayat Union,
Thiruporur, Kancheepuram District.
5. The President,
Kanathur Reddykuppam Village Panchayat,
Kanathur, Kovalam Post,
Kancheepuram District.
6. The Director of Coastal Zone,
Management and Regulation Board,
Panagal Maligai,
Saidapet,
Chennai - 600 015.
7. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
8. The Member Secretary,
Local Planning Authority,
Mahabalipuram,
Kancheepuram District.
9. The Deputy Commissioner of Police,
Law and Order,
Adyar, Chennai.

10. The Inspector of Police,
Law and Order,
Kanathur Police Station,
Kanathur, Chennai.

+1cc to Mr.Balu, Advocate, S.R.No.17456
+1cc to Mr.Chandra prabhu, Advocate, S.R.No.17467
+1cc to the Government Pleader, S.R.No.17945

W.P.No.42490 of 2016

KJI (CO)
RS(10/04/2017)



WEB COPY