

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.8034/2018

K.Lakshmi

Petitioner

Versus

- 1.The District Collector
Collectorate, Kanchipuram
Kanchipuram District 631 501.
- 2.The Revenue Divisional Officer
Revenue Divisional Office
Kanchipuram, Kanchipuram District.
- 3.The Block Development Officer
Kundrathur Panchayat Union,
Padappai, Kancheepuram District.
- 4.The Executive Officer
Madambakkam Village Panchayat
Madambakkam, Kanchipuram District 603202.
- 5.The Tahsildar
Tiruvallur Road, Sriperumbudur,
Kanchipuram 602 105.

6.Mr.Vengatesan

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 5 to remove the encroachments made by the respondent No.6 in public road in S.No198/1, Madambakkam-Neelamangalam Road, in Madambakkam Village, more fully located on the western side of the petitioner's plot, Sriperumbudur Taluk, Kanchipuram District, by invoking provisions of Tamil Nadu Land Encroachment Act, 1905, within the time stipulated by this Court.

For Petitioner : Mr.B.Vijay
For R1 to R5 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARYANAN, 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 5.

2 The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that the petitioner is the absolute owner of the property admeasuring to an extent of 4500 sq.ft., comprised in Survey No.178/1, Sub-Divided S.No.178/1A9, Madambakkam Village, Sriperumbudur Taluk, Kancheepuram District, which is also an approved layout, bearing No.M-84-116/LO 101, by the Directorate of Town and Country Planning and she has acquired the said property through a registered Release Deed bearing Doc.No.1899/2014 dated 12.02.2014. The grievance expressed by the petitioner is that the Government Poramboke land comprised in S.No.198/1 of Madambakkam Village is located on Western and Southern Side of her property and on the Northern side, there is a public road and the 6th respondent had illegally encroached upon the said Government Poramboke land as well as the public road and started putting up the construction for the purpose of residential and commercial purposes. The petitioner, in this regard, has submitted a representation dated 27.08.2017, based on which, the 2nd respondent, vide communication dated 08.09.2017 in Na.Ka.No.2422/2017/A1 directed the 5th respondent to take appropriate action and send a report to their office and despite that, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 5 would submit that the 5th respondent would be advised to act on the above cited communication of the 2nd respondent dated 08.09.2017.

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

5 This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in her representation or in this writ petition, directs the 5th respondent, to put the petitioner as well as the 6th respondent on notice and

thereafter, cause inspection of the Government Poramboke land comprised in S.NO.198/1 as well as the road said to be the public road adjacent to the said land, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the 6th respondent herein.

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

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To

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- 5.The Tahsildar
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Kanchipuram 602 105.

+1 cc to Mr.B.Vijay Advocate sr 25857
+1 cc to Spl Govt Pleader sr 26762

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