

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.8.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Writ Petition No.6213 of 2018

D.Theresa

.. Petitioner

Vs.

1. The Tahsildar
Thirupporur Taluk
Thirupporur
Kanchipuram District.

2. The Block Development Officer
Thirupporur Panchayat Union
Kancheepuram District.

3. The Assistant Engineer
Operation & Maintenance
TANGEDCO
Kelambakkam
Kancheepuram District.

4. S.Augustin

.. Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent on a public road in Old Survey No.168/Part (New Survey No.205/31) at Nehru Nagar, Kelambakkam Village, Thirupporur Taluk, within a time frame.

For Petitioner : Mr.R.Veeramani
For Respondents 1 & 2: Mr.P.Sivashanmugasundaram
Spl. Govt. Pleader
For Respondent-3 : Mr.S.K.Rameshuwar
For Respondent-4 : No appearance

O R D E R
(Made by Huluvadi G.Ramesh,J)

The petitioner has come up with the above writ petition seeking a direction to the respondents 1 and 2 to remove the encroachment made by the fourth respondent on a public road in Old Survey No.168/Part (New Survey No.205/31) at Nehru Nagar, Kelambakkam Village, Thirupporur Taluk.

2. Heard Mr.R.Veeramani, learned counsel appearing for the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.S.K.Rameshuwar, learned Standing Counsel for the third respondent. There is no representation on behalf of the fourth respondent.

3. According to the petitioner, the property in question is a public road which is being used by her and others for his ingress and egress. But, the fourth respondent is attempting to raise construction by blocking the road completely. Therefore, she submitted a representation to the first respondent and though a reply was sent to her stating that action is being taken, nothing has turned fruitful. In the meanwhile, the fourth respondent has filed a suit seeking permanent injunction, without making the Government as a party to the suit. Even thereafter, no steps have been taken to remove the encroachment. Therefore, the petitioner has again sent a representation on 05.02.2018 and thereafter, has come up with the above writ petition.

4. In the above facts and circumstances of the case, we are of the considered view that the first respondent should be directed to take action in the matter. Accordingly, we direct the first respondent to take immediate action on the representation of the petitioner dated 05.02.2018 and to remove the encroachment, after conducting survey in the presence of both the parties and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. There shall be no order as to costs.

Sd/--

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar
Thirupporur Taluk
Thirupporur
Kanchipuram District.
2. The Block Development Officer
Thirupporur Panchayat Union
Kancheepuram District.

+1cc to Mr.K.Govi Ganesan, Advocate SR.NO.56551
+1cc to Mr.R.Veeramani, Advocte SR.NO.56549
+1cc to Government Pleader SR.NO.56864

sm:6.9.2018

W.P.No.6213 of 2018.



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