

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.10387 of 2018

Perumal

.. Petitioner

Versus

1.The District Collector of Vellore District,
Collectorate, Sathuvachary,
Vellore District.

2.The Sub Collector,
Office of the Sub Collector,
Thirupathur, Vellore District.

3.The Tahsildar,
Office of the Tahsildar,
Thirupathur, Vellore District.

4.Muniyappan
5.Chinnapaiyan
6.Raja
7.Kathu Rajan
8.Chandra
9.Dhanapal
10.Ravi
11.Seeni
12.Mahalingam
13.Perumal
14.Devendiran

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus, directing the respondents 1 to 3 namely the District Collector of Vellore District, The Sub Collector of Tirupathur and the Tahsildar of Tirupathur to consider the representation of the petitioner dated 05.03.2018 and take necessary action for the removal of the encroachment made by the respondents 4 to 14 in

the street bearing S.No.814/12, Kavaraiyur village, Madavalam Post, Tirupathur Taluk, Vellore District and pass orders on merits after giving opportunities to the concerned parties within a time to be stipulated by this Court.

For Petitioner :Mr.N.E.A.Dinesh

For Respondents:Mr.R.Udhayakumar, AGP for R1 to R3

ORDER

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

By consent, the writ petition is taken up for final disposal.

2. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3.

3. The petitioner claims that he has been granted house site Patta under Adi Davidar Welfare Scheme by the Government of India in S.No.814, Kavaraiyur Village, Thirupathur Taluk, Vellore District and public road/street in S.No.814 and the said street is being used by the petitioner as well as the respondents of the said locality. The grievance expressed by the petitioner is that the respondents 4 to 14 had illegally encroached upon the said public street by putting up walls and superstructure without any planning permission and whatsoever and as a consequence, the width of the road is reduced to a greater extent and motor vehicle alone can be passed. The petitioner in this regard has submitted a representation dated 05.03.2018 to the respondents 1 to 3 to remove all the encroachments and despite receipt and acknowledgment, no action whatsoever has been taken and therefore, he is constrained to approach this Court by filing this writ petition.

4. Heard the submission of Mr.N.E.A.Dinesh, learned counsel appearing for the petitioner and Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3.

5. Though the petitioner prays 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 the petitioner either in his representation or in this writ petition, directs the 3rd respondent to put the petitioner as well as the respondents 4 to 14 on notice and cause inspection of the land in S.No.814, Kavaraiyur Village, Thirupathur Taluk, Vellore District within a period of six weeks from the date of receipt of copy of this order and depending upon the result of

the survey and inspection, if any encroachments are found, put them on notice and thereafter remove the encroachment after following the due process of law and the said exercise has to be carried out within a further period of ten weeks thereafter and communicate the decision taken in this regard to the respondents 4 to 14.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector of Vellore District,
Collectorate, Sathuvachary,
Vellore District.
- 2.The Sub Collector,
Office of the Sub Collector,
Thirupathur, Vellore District.
- 3.The Tahsildar,
Office of the Tahsildar,
Thirupathur, Vellore District.

+1cc to Mr.V.Nicholas, Advocate Sr.30793

+1cc to the Government Pleader Sr.31329

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srg 25/05/2018