

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25503 of 2008

1.P.Shanmugham
2.P.Poorasamy

... Petitioners

Vs

1.Union of India,
Rep.by its Chief Secretary,
Government of Puducherry,
Puducherry.
2.The Secretary,
Local Administration Department,
Puducherry.
3.The Secretary,
P.W.D.Department,
Puducherry.
4.The Secretary,
Revenue Department,
Government of Puducherry,
Puducherry.
5.The Commissioner,
Ariyankuppam Commune Panchayat,
Ariyankuppam, Puducherry.

6.Ranganathan
7.Velayutha Braharani
8.Saroja
9.Pushpa
10.Mani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 10 on the Western Side of Sudalai Street, Man aveli, Ariyankuppam.

For Petitioners : Mr.Abdul Majeed
for Mr.M.Sudhakar

For Respondents: Ms.G.Djearany
Government Advocate (P)
for R1 to R5

ORDER

The petitioners have come up with this writ petition seeking a mandamus, directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 10 in respect of their property at Sudalai Street, Manaveli, Ariyankuppam, Puducherry.

2.The learned counsel for the petitioners submitted that as directed by this Court, vide order dated 23.12.2004 in W.P.No.25944 of 2004, the petitioners submitted a representation dated 02.03.2005, to the fourth respondent, with regard to removal of encroachments made in the property in question. On such submission, the fourth respondent conducted an enquiry. Thereafter, by a communication dated 03.01.2006 issued by the Deputy Collector (Revenue) North, Puducherry, it was informed to the petitioners that the encroachments made by the respondents should be removed after duly ensuring an alternative means for their living at any suitable location, as per the existing policies of the Government. Despite the same, no steps have been taken by the respondents 1 to 5, till date. Hence, the petitioners are before this Court.

3.The learned Government Advocate appearing for the respondents 1 to 5 fairly submitted that the encroachments, if any with respect to the property in question, would be removed as per the communication dated 03.01.2006, issued by the Deputy Collector (Revenue) North, Puducherry.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the claim of the petitioners, with regard to removal of encroachments, if any, and pass appropriate orders on merits and in accordance with law and also in the light of the communication dated 03.01.2006, issued by the Deputy Collector (Revenue) North, Puducherry, after affording an opportunity of personal hearing to the petitioners, respondents 6 to 10 as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of.
However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

- 1.The Chief Secretary,
Union of India,
Government of Puducherry,
Puducherry.
- 2.The Secretary,
Local Administration Department,
Puducherry.
- 3.The Secretary,
P.W.D.Department,
Puducherry.
- 4.The Secretary,
Revenue Department,
Government of Puducherry,
Puducherry.
- 5.The Commissioner,
Ariyankuppam Commune Panchayat,
Ariyankuppam, Puducherry.

+1cc to Mr.M.Sudhakar, Advocate, S.R.No. 79903
+1cc to the Government Pleader, S.R.No. 79707

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KS (CO)
GN(28/01/2019)