

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.3.2018

CORAM

The HON'BLE MR.JUSTICE M.VENUGOPAL

AND

The HON'BLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.20873 of 2017 & WMP.No.21733 of 2017

D.CharlesPetitioner
Vs

- 1.The District Collector, Kanchipuram District, Kanchipuram.
- 2.The Revenue Divisional Officer, Chengalpattu, Kanchipuram District.
- 3.The Tahsildar, Thiruporur, Kanchipuram District.
- 4.The Revenue Inspector, Mambakkam, Thiruporur, Kanchipuram District.
- 5.The Block Development Officer, Village Panchayats, Ponmar Village, Chennai-127.
- 6.The Village Administrative Officer, Ponmar Village, Thiruporur, Kanchipuram District.

- 7.Elumalai
- 8.Mangalambigai
- 9.V.Krishnasamy ChettiarRespondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 6 to take immediate action to stop further construction and encroachments in the property in Survey Nos.472/2, 472/3, 471/13 and 147 viz. Kuttai (water body), Street and Kuttai (water body) respectively at Ponmar Village, Thiruporur Taluk, Kanchipuram District made by respondents 7 to 9 in the said property and to remove encroachments made in the property and in accordance with the orders passed in W.P.No.15576 of 2016 dated 30.8.2016.

For Petitioner : Mr.N.Suresh
 For Respondents 1 to 4 & 6 : Mr.A.N.Thambidurai, SGP
 For Respondent-5 : Mr.P.S.Sivashanmuga
 Sundaram
 For Respondents 7 to 9 : Mr.S.Nagarajan

Order of the Court was made by M.VENUGOPAL,J

Heard the learned counsel for the petitioner and the respective learned counsel appearing for the respondents.

2. On behalf of the fifth respondent, the Special Officer of the Ponmar Panchayat, Tiruporur Panchayat Union has filed a counter affidavit wherein in paragraphs 4 and 5, it has been stated as follows :

"4. It is humbly submitted that the details of the encroachment were as follows :

S . N o	Survey No.	Classifica tion	Total area	Encroachme nt area	Nature of encroachment
1	147	Tank	0.13.5 ares	020 sq.ft.	cement sheet
2	471/13	Street	530 sq.ft	050 sq.ft.	compound wall and bathroom
3	472/2	Kuttai	2460 sq.ft.	010 sq.ft.	house
4	472/3	Street	420 sq.ft		encroachment already removed

The third respondent/Tahsildar, after following due procedure, commenced the removal of encroachment on 19.1.2018 and completed the entire removal of encroachment on 24.1.2018. The entire encroachment has been removed and duly complied with the orders of the Hon'ble High Court in W.P. No.15576 of 2016 dated 30.8.2016.

5. It is humbly submitted that the factual position, narrated in paragraph 3 and 4, was brought to the knowledge of the II Hon'ble Division Bench by way of swearing affidavit on 05.2.2018 by the third respondent herein. The Hon'ble Division Bench, after accepting the affidavit, closed the contempt petition

No.1049 of 2017 filed for non compliance of the order made in W.P.No.15576 of 2016."

3. In view of the foregoing and taking note of the fact that the entire encroachment was removed, this Court closes the writ petition, since nothing survives for any further adjudication. No costs. Consequently, the connected WMP is also closed.

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1.The District Collector, Kanchipuram District, Kanchipuram.
- 2.The Revenue Divisional Officer, Chengalpattu, Kanchipuram District.
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- 6.The Village Administrative Officer, Ponmar Village, Thiruporur, Kanchipuram District.

सत्यमेव जयते

WP.No.20873 of 2017&
WMP.No.21733 of 2017

GJ (CO)
VS 03.04.2018

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