

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22478 of 2017

1. Mr.S.Anthonysamy (deceased)
2. Mr.T.A.Francis Alis
3. Mr.A.Joseph
4. Mrs.A.Leema Mary
(Petitioners 2 to 4 are substituted as
Legal Representatives of the deceased
first petitioner, vide order dated 22.11.2017
in W.M.P.No.31727 of 2017 in W.P.22478 of 2017)

... Petitioners

Vs.

1. The District Collector, Tiruvallur District, Tiruvallur.
2. The Commissioner, Tiruvallur Municipality, Tiruvallur.
3. The Divisional Engineer,
Tamil Nadu Highways Department,
Tiruvallur.

4. The Tahsildhar,
Tiruvallur Taluk, Tiruvallur.

5. Sundarajan
6. Krishnan
7. Rukku

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to take immediate and stern action on the petitioner's representation, dated 15.05.2017 in removing the encroachments made by the respondents 5 to 7 and dried up old Tamarind Tree from J.N.Road, Tiruvallur in front of the petitioner's house and to complete the drainage canal deserted by the respondents 1 to 4 in half way at J.N.Road, Tiruvallur in front of the petitioner's said house at premises Door No.1/1A, J.N.Road, Tiruvallur, Tiruvallur District and to prevent any future encroachment in the said place.

For petitioner : Mr.N.Nagu Sah
For respondents: Mr.A.N.Thambidurai,
Spl.G.P. for RR-1, 3 and 4
Mr.P.Srinivas for R-2
Mr.P.Saravanan for R-5
M/s.O.Padma Prakash for RR-6 & 7

ORDER

(The Order of the Court was made by S.Vaidyanathan, J)

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to take immediate and stern action on the petitioner's representation, dated 15.05.2017 in removing the encroachments made by the respondents 5 to 7 and dried up old Tamarind Tree from J.N.Road, Tiruvallur in front of the petitioner's house and to complete the drainage canal deserted by the respondents 1 to 4 in half way at J.N.Road, Tiruvallur in front of the petitioner's said house at premises Door No.1/1A, J.N.Road, Tiruvallur, Tiruvallur District and to prevent any future encroachment in the said place.

2. When the Writ Petition is taken up for hearing, the learned Special Government Pleader appearing for the respondents, 1, 3 and 4 produced a communication of the fourth respondent-Tahsildhar addressed to the learned Additional Government Pleader, dated 03.01.2018 in Na.Ka.No.5949/2017/A1, stating that the Tamarind Tree and the encroachments in the area in question would be removed on 06.01.2018.

3. Learned counsel appearing for the respondents 6 and 7 stated that the respondents 6 and 7 on their own, have vacated the place in question and have not encroached the said place.

4. Learned counsel for the fifth respondent submitted that it is green tree(s) which is sought to be removed and that it is only a hut put up by the fifth respondent.

5. As it is a case of encroachment, the respondents 5 to 7 have no locus-standi to continue in the encroached place. The respondents 1, 3 and 4 are directed to remove the green tree(s) including the said Tamarind Tree and also the encroachment in question and ensure that 20 saplings of trees are planted in and around the place, as they are going to remove the Tamarind Tree for the purpose of drainage connection in that area. On removal of such encroachment, the drainage canal work has got to be completed within a period of two months from the date of removal of such tree(s) and encroachment. The authorities must

ensure that the sapling of trees that is going to be planted, shall no way damage the drainage system at a later date.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

7. Registry is directed to list the matter on 18.01.2018 "for reporting compliance" regarding removal of tree(s) and encroachment.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

cs

To

1. The District Collector, Tiruvallur District, Tiruvallur.
2. The Commissioner, Tiruvallur Municipality, Tiruvallur.
3. The Divisional Engineer,
Tamil Nadu Highways Department,
Tiruvallur.
4. The Tahsildhar,
Tiruvallur Taluk, Tiruvallur.
5. The Section officer
Writ Section, High Court, Madras.

(for reporting compliance on 18.01.2018)

- +1 CC to Mr.N. Nagu Sah, Advocate sr 609.
+1 CC to Govt. Pleader sr 811.
+1 CC to Mr.O. Padmaprakash, Advocate sr 607.

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W.P.No.22478 of 2017

GMR(CO)
SP(12/01/2018)