

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.11249 of 2018
and WMP.No.13153 of 2018

A.Ponmozhi

...Petitioner

Vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Divisional Revenue Officer,
Kanchipuram District,
Kanchipuram.

3.The Tahsildar,
Sriperumbudur Taluk,
Kanchipuram District.

4.A.Suresh

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st, 2nd and 3rd Respondents to remove the illegal construction and restore the road 'Ammavasai pattai' to create a permanent access road which is enough to enter all the emergency services to the Molasur Village, Kanchipuram District.

For Petitioner : Mr.N.Sivakumar
For Respondents : Mr.A.N.Thambidurai, Spl GP
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. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2. The petitioner claims that he is the Chief Executive Officer in a private Company and he is also the General Secretary of 'Sugavarchatiram Makkal Nal Vazhvu Sangam', which is a registered Association registered under the Tamil Nadu Societies Registration Act. 1975 and according to him, there is a public road in Molasur Village comprised in S.No.192, which is known as 'Ammavasai pattai' and it is for time immemorial. The said road is used as a walkway as well as cart track for the devotees and it also connects the surrounding 10 villages as well as National Highway-NH4. It is further stated by the petitioner that there is also a natural drain in S.No.155, which is having a total area of 2.87 acres and on account of the illegal acts of the 4th respondent in putting up unauthorised construction, there is every possibility of the natural drain getting obliterated and reduction of the

width of the public road. The petitioner in this regard had submitted repeated representations to the concerned respondents and since it failed to evoke any kind of response, he has been constrained to approach this Court by filing this writ petition.

3. The learned counsel appearing for the petitioner has invited the attention of this Court to the typed set of documents especially the photographs and would submit that despite very many representations have been submitted to the concerned officials, they fail to evince any interest and therefore, the petitioner has approached this Court by filing this public interest litigation.

4. Heard the submission of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to cause inspection of Molasur

Village, S.No.192 which is known as 'Ammavasai Pattai' and also the land in S.No.155 in the very same Village, after putting the concerned person on notice and the said exercise is to be carried out within a period of six weeks from the date of receipts of copy of this order and depending upon the result of the same, shall take appropriate action to remove the encroachments, if any / alleged unauthorised / offending constructions, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well the concerned persons / encroachers.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

{M.S.N.J} {G.K.I.J}

07.06.2018

Index : Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

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To

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G.K.ILANTHIRAIYAN,J.

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