

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.14117 of 2017

V.Srinivasan .. Petitioner

Vs.

1. The District Collector,
Collectorate,
Kanchipuram District,
Kanchipuram.

2. The Tahsildar,
Taluk Office,
Uthiramerur Taluk,
Uthiramerur, Kanchipuram District.

3. Chandrammal
4. R.Kanthamani

.. 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 and 2 herein to consider the petitioner's representation, dated 27.07.2015 within a stipulated period.

For petitioner : Mr.K.Govi Ganesan

For respondents: Mr.A.N.Thambidurai,
Spl.G.P. for RR-1 and 2
No appearance for RR-3 and 4

ORDER

(The Order of the Court was made by M.Venugopal, J)

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 herein to consider the petitioner's representation, dated 27.07.2015 within a stipulated period.

2. In spite of notice being served on the respondents 3 and 4, though their names are printed in the cause list, there is no appearance for them either in person or through counsel.

3. Heard both sides and perused the materials available on record.

4. As seen from the entries made in 'A' Register pertaining to Kidangarai Village, for the period Fasli 1424, Sub-Division Salavakkam, Uthiramerur Circle, Kanchipuram District, in respect of Survey No.54.14, which is the property in question, relates to "Grama Natham". It appears that the third respondent-Chandrammal, wife of Late Marimuthu, had put up a house to an extent of 3 meters and only the remaining 5 meters were used as public pathway.

5. In view of the fact that the third respondent had encroached upon the public pathway to an extent of 3 meters and put up/constructed a house therein, this Court is of the considered view that it is a clear case of encroachment and the objectionable encroachment is to be removed by the second respondent-Tahsildar, Uthiramerur Taluk, Kanchipuram District, within a period of one month from today and report compliance before this Court.

6. Further, this Court makes it lucidly clear that while removing the objectionable encroachment to an extent of 3 meters, where the third respondent constructed the house in question, the respondents 1 and 2 herein are directed in strict sense of the term that 8 meters public/general pathway is maintained for the benefit of public.

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

8. Registry is directed to list this petition on 05.02.2018 "for reporting compliance".

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate,
Kanchipuram District,
Kanchipuram.

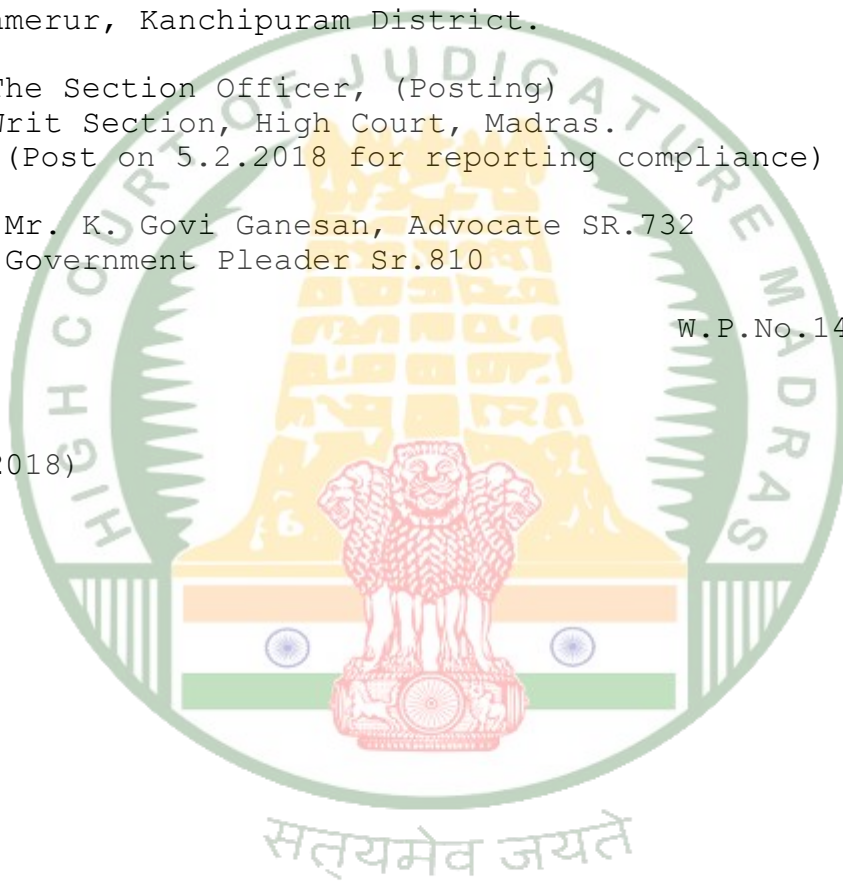
2. The Tahsildar,
Taluk Office,
Uthiramerur Taluk,
Uthiramerur, Kanchipuram District.

Copy to: The Section Officer, (Posting)
Writ Section, High Court, Madras.
(Post on 5.2.2018 for reporting compliance)

+ 1 cc to Mr. K. Govi Ganesan, Advocate SR.732
+ 1 cc to Government Pleader Sr.810

W.P.No.14117 of 2017

SSI (CO)
EU (17/01/2018)



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