

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.062018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

WP.No.12005/2018 & WMP.No.13984/2018

Govi Kalvirayar
President, Vadalur Consumer rights
and Protection Organisation,
9B, Meena Apartment, Kabur Bai Street
Vadalur-607303, Cuddalore District. ... Petitioner

Versus

- 1.The District Collector
Cuddalore District,
Cuddalore.
- 2.The Assistant Director
Town Panchayat, Cuddalore.
- 3.The Executive Officer
Vadalur Zone, Vadalur,
Cuddalore District. ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to consider the representation preferred by the petitioner dated 19.08.2014 and another representation preferred by the petitioner dated 31.03.2018 and directing the respondents 1 to 3 to take action in the light of the letter bearing Na.Ka.No.CCO/075/Petitions/2015 dated 26.03.2015 and CMD NaKa.No.883/2015/Town Panchayat/3 dated 17.08.2016.

For Petitioner : Mr.M.Venkadeshnan

For RR 1 & 2 : Mr.R.Udhayakumar, AGP

For R3 : Mr.E.Manoharan, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.E.Manoharan, learned Additional Government Pleader accepts notice on behalf of the 3rd respondent.

2 The writ petition is styled as a Public Interest Litigation filed by the President of the Vadalur Consumer Rights and Protection Organisation bearing Registration No.53/92 and 79/13 and according to him, in the area falling within the jurisdiction of Vadalur Town Panchayat, the streets have not been measured and that there are very many encroachments on the public streets in the form of unauthorised constructions superstructures and despite repeated representations submitted to the authorities concerned, no action whatsoever, has been taken to redress the grievance expressed by the petitioner and therefore, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that the 1st respondent, vide communication dated 26.03.2015 in NaKa.No.CCO/075/Petitions/2015, has directed the 2nd respondent to deepen the "Iyyan Eri" [Water Body] and also to remove the encroachments and to measure the streets and the 2nd respondent, in turn, has directed the 3rd respondent to do the needful and though nearly two years had lapsed, no action whatsoever has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4 Per contra, Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 has produced the letter of the 3rd respondent addressed to the Government Pleader, High Court, Madras, dated 30.05.2018 in Na.Ka.No.318/2018/A3 and would submit that necessary proposal has been submitted to the 1st respondent and as per the proceedings of the 1st respondent dated 29.05.2017 in PE3/4030/2014, a sum of Rs.110 Lakhs has been allotted to deepen the water body and it has also been deepened and as and when the road is going to be laid, the encroachments will be removed and there are no encroachments on the road as well as on the park located within the jurisdiction of the said Local Body and if there are any complaints received, action will be taken immediately in accordance with law.

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

6 The above cited communication of the 3rd respondent dated 30.05.2018 addressed to the Government Pleader, High Court, Madras is taken on file and placed on record.

7 The 3rd respondent shall see to that the water body which has been deepened at the cost of Rs.110 Lakhs shall be maintained properly and if there are any encroachments on the public places including the side of the road, steps have to be taken immediately to remove the same in accordance with law, after putting the encroachers on notice and remove the encroachments if any, within a stipulated time. If the 3rd respondent receives any representations with regard to the removal of the encroachments on the public places, action has to be taken immediately in accordance with law and necessary communication shall also be sent to the concerned persons who submitted the representations.

8 The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP
To

The District Collector
Cuddalore District,
Cuddalore.

+1cc to Mr.Venkadeshnan, Advocate Sr.34597

WP.No.12005/2018

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