

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL  
AND  
THE HON'BLE Mrs.JUSTICE S.RAMATHILAGAM

W.P.No.23233 of 2018

K.Prabhakar

...Petitioner

vs.

1. The District Collector,  
Office of the District Collector (Collectorate)  
Vellore

2. The Revenue Divisional Officer,  
Office of the Revenue Division,  
Ranipet, Vellore District

3. The Tahsildar,  
Tahsildar Office,  
Walajah, Vellore District

4. The Zonal Engineer,  
Highways Department,  
Vellore.

5. The Superintendent Engineer,  
Electricity Board,  
Vellore

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 1 to 5 to consider the Petitioner's representation dated 05.07.2018 and thereby direct the Respondents 1 to 4 to remove the encroachment made in Survey Nos.125, 126, 128B1/1 in Pandiyanallur adjacent to Thakkankulam, Sholingur, Walajah Taluk, Vellore District to an extent of breadth of 132 feet road immediately and also directing the 5<sup>th</sup> Respondent / Electricity Board to disconnect the electricity service connection given to the encroacher houses and shops in the said road.

For Petitioner : Mr.R.Singaravelan  
Senior Counsel for  
Ms. S.Sujatha

For Respondents : Mr.J.Pothiraj for R1 to R4  
Special Government Pleader  
Mr.Varun Kannan for R5

O R D E R

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

Heard the Learned Counsel for the Petitioner, the Learned Special Government Pleader for Respondents 1 to 4 and Learned Counsel for 5<sup>th</sup> Respondent. No counter is filed on behalf of the Respondents.

2. According to the Petitioner, in Sholingur Town, there is a main road, which is laid in S.Nos.125, 126, 128B1/1 in Pandiyanallur adjacent to Thakkankulam in Sholingur, Wallajah Taluk, Vellore District through Arakonam road, to the road which takes the traveller to Banavaram. As per records and as per F.M.B., the breadth of the above road is 402 meter, i.e., 132 feet, but, at present the breadth of the above road is available only as 35 feet thar road. Further, on both sides of the thar road, there is 8 feet sand road, in which totally the road is available only 42 feet in breadth which was originally showed in the revenue records and in the FMB as 132 feet. Therefore, it is made clear that the remaining road has been encroached by the encroachers, on the encroached space, there are shops and other multistoried buildings are constructed and the encroachers are running the same with the help of the Respondents.

3. The version of the Petitioner is that the aforesaid road is used by the vehicles from Sholingur Town to Chennai via Arakkonam. The said road is connected to Banavaram Railway Station, TVS Brakes India and Foundry Division, Turbo Energy, Abi Showa Tech and other Companies. There are number of schools, viz., Unity School, Vidyapeetam School, Divya Chaitanya School and the famous Sri Lakshmi Narasimhaswami Temple and Sri Anjaneya Temple are also located in the said places. The Electricity Board Office is also situated on the Banavaram Road. Everyday there are 10,000 persons are travelling on this road from 7.00 a.m. to 9.00 a.m. and there will be a floating population of 10,000 persons in this area from 3.30 p.m. to 5.00 p.m everyday. During the festival period, there are some lakhs of pilgrims travelled on this important road.

4. The specific grievance of the Petitioner is that some anti-social elements have encroached the land in question and the road has become narrow and due to the encroachment made by the encroachers, every day many accidents had occurred in the road, as a result of the said accidents, many persons had died and many of them suffered serious injury.

5. Also the Petitioner in the Writ Petition has come out with an averment that because of the faults of the Electricity Board, numerous persons have lost their life and suffered more injuries, because of the fact the electric posts have not been erected on the appropriate

place on the corners, but they were planted on both sides of the road at the distance of 10 feet to 20 feet distance from the road. Taking advantage of this aspect, the encroachers have increased their encroachment and built steps for their shops, for their personal gain, ignoring free traffic. Also that, the encroachers had not only put up their roof structure in front of the shops and because of the erection of structure in front of their shops, who visit the shops have parked their vehicle on the road, as such, the breadth of the road is reduced more and more. Due to the said encroachments and putting up the structures in front of their shops, the people are suffering more and more and there is no free travel in the road.

6. The Petitioner is a Former Councillor in respect of 12<sup>th</sup> Ward and he had submitted representations to the 1<sup>st</sup> Respondent / District Collector, Vellore District and other Respondents on 05.07.2018 through Registered Post, which was received by the Respondents, but the 1<sup>st</sup> Respondent / District Collector has not initiated any action for removing the encroachments in question, hence the Petitioner has filed the present Writ Petition praying for passing an order by this Court in directing the Respondents 1 to 5 to consider his representation dated 05.07.2018 and further to direct the Respondents to remove the encroachment made in Survey Nos.125, 126, 128B1/1 in Pandiyanallur adjacent to Thakkankulam, Sholingur, Walajah Taluk, Vellore District to an extent of breadth of 132 feet road immediately and also directing the 5<sup>th</sup> Respondent / Electricity Board to disconnect the electricity service connection given to the encroacher houses and shops in the said road.

7. In response, on behalf of the Respondents it is submitted that the Respondents 1 to 5 will look into the representation of the Petitioner dated 05.07.2018 and in this regard certain time limit may be fixed by this Court so as to enable them to take necessary action in the subject matter in issue.

8. Considering the fact that the Petitioner's Representation dated 05.07.2018 addressed to the Respondents 1 to 5 is still pending, without any progression in the subject matter in issue, at this stage, this Court without expressing any opinion on the merits and demerits of the contents of the representation and also not delving deep into the subject matter, at this stage, simpliciter, directs the Respondents 1 to 5 to look into the representation dated 05.07.2018 of the Petitioner with all seriousness and earnestness and to take necessary action as sought for by the Petitioner in his representation dated 05.07.2018 within a period of twelve weeks from the date of receipt of copy of the order. It is needless for this Court to point out that the Respondents 1 to 5 shall issue necessary notice to the encroachers, hear them personally and after taking into account of their

written objections, take a final call in the subject matter in issue. Even the Petitioner may be put on notice. If a date is fixed for hearing in regard to the representation of the Petitioner, after following due process of Law and procedure envisaged in the manner known to Law, the Respondents 1 to 5 are directed to act in regard to the representation of the Petitioner and in case, if the Respondents 1 to 5 / Authorities come to a conclusion that the encroachments due exist in Survey Nos.125, 126, 128B1/1 in Pandiyanallur adjacent to Thakkankulam, Sholingur, Walajah Taluk, Vellore District, they are directed to take necessary action swiftly, diligently and on a war footing basis.

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

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

ssd  
To

1. The District Collector,  
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Highways Department,  
Vellore.
5. The Superintendent Engineer,  
Electricity Board,  
Vellore

+2cc to Mr.S.Sujatha , Advocate SR.No. 61546  
+1cc to Mr.M.Varun Kannan , Advocate SR.No. 62402  
+1 CC TO GOVERNMENT PLEADER SR.NO. 62106

W.P.No.23233 of 2018

ASK(26/09/2018)