

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23871 of 2010

P.Arikrishnan

... Petitioner

Vs.

1. The District Collector,
Cuddalore.
2. Tahsildar,
Cuddalore.
3. President,
Keezhkumaramangalam Panchayat,
Cuddalore Taluk.
4. The Superintendent of Police,
Cuddalore District,
Cuddalore.
5. Rathinambal
6. Devanathan
7. Sundararajan

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in the public road (cement road) laid in S.No.25/11B in Keezhkumaramangalam Village, Cuddalore Taluk, Cuddalore District.

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For Petitioner : Mr.R.Gururaj

For R1, 2 & 4 : Mr.J.Ramesh, AGP

For R3 & R5 to R7 : No appearance

O R D E R

The prayer made in this writ petition is to issue a mandamus, directing the respondents 1 to 4 to remove the encroachment in the public road (cement road) laid in S.No.25/11B in Keezhkumaramangalam Village, Cuddalore Taluk, Cuddalore District.

2.Upon notice, the fourth respondent filed a detailed counter affidavit dated 29.07.2015, wherein, in paras 4 and 5, it has been averred as follows:

"4.Regarding the averments made in para 5 of the affidavit, it is submitted that as far as the records maintained in the jurisdictional Police Station, it is very clear that no specific complaint or report is ever launched about any obstruction of the public road, alleged to have committed by the above said respondents and if any particular complaint is given by affected parties against any offenders, who indulged in illegal obstruction of any public path way, then the law will take its own course and any wrong doers would be booked under relevant penal laws and thereby necessary stringent steps may be taken against them in accordance with law.

5.Regarding the averments made in para 6 of the affidavit, it is submitted that it is totally incorrect to state that there was no response for his representation dated 22.07.2010 and all necessary steps have been taken to redress their grievance in this regard."

3.Today, when the matter is taken up for consideration, the learned counsel for the petitioner, on instructions, submitted that the representation dated 22.07.2010 submitted by the petitioner with regard to removal of encroachment made in the public road, is still pending without any action.

4.Heard the learned Additional Government Pleader appearing for the respondents 1, 3 and 4, who reiterated the averments as stated in the counter affidavit filed by the fourth respondent.

5.Considering the facts and circumstances of the case and having regard to the submissions made on either side, this Court directs the second respondent to dispose of the petitioner's representation dated 22.07.2010, if not earlier disposed of, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore.
2. Tahsildar,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District, सत्यमेव जयते
Cuddalore.

+lcc to Mr.R.Gururaj, Advocate Sr.52118

+lcc to the Government Pleader Sr.52381

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srg 18/09/2018