

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20980 of 2009
and M.P.Nos.1 and 2 of 2009

Pennai Garden Welfare Association
Regd.No.31/2008
rep.by its President
G.Sambandam
S/o.Govindasamy
Plot No.129, Pennai Garden
Kondur Post, Cuddalore-2
Cuddalore District.

... Petitioner

Vs

- 1.The District Collector,
Cuddalore District,
Cuddalore.
- 2.The Assistant Director of Town and Country Planning,
Cuddalore, Cuddalore District.
- 3.The Revenue Divisional Officer,
Sub Jail Road,
Cuddalore, Cuddalore District.
- 4.The Tahsildar, Taluk Office,
Cuddalore, Cuddalore District.
- 5.The Block Development Officer,
Cuddalore Panchayat Union,
Nellikuppam Road,
Cuddalore-1.
- 6.The President, Nathappattu Panchayat,
Kondur Post, Cuddalore-2.
- 7.The Assistant Engineer,
Tamil Nadu Electricity Board,
Jothi Nagar, Kondur Post,
Cuddalore-2.

8.C.S.Dhandapani
9.Vijaya
10.S.Raja Rajeswari
11.S.A.Senthilvelan
12.D.Raja

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 7 herein to remove the encroachments made in the public places earmarked as roads, parks, shops etc., in Pennai Garden Approved Layout, Kondur Post, Cuddalore-2, particularly the encroachments made on the North South 30 ft.road in between Plot Nos.100, 101, 147, 146, 123 and 129 and the 8th respondent to execute necessary conveyance deeds transferring the lands earmarked as roads, parks, shops etc. to the respondents 5 and 6 herein within the time that may be fixed by this Court.

(Prayer amended as per order dated 17/12/2012 by NPVJ in M.P.1/11 in W.P.20980 of 2009)

For Petitioner : Mr.P.Mani

For Respondents: Mr.J.Ramesh, AGP for R1 to R4

Ms.D.Geetha for R5

Ms.P.Rajalakshmi, AGP for R6

Mr.P.Srinivas for R7

R8-Disd

Mr.R.Gururaj for R10 and R11

ORDER

This writ petition has been filed for a direction to the respondents 1 to 7 to remove the encroachments made in the public places earmarked as roads, parks, shops etc., in Pennai Garden Approved Layout, Kondur Post, Cuddalore-2.

2.This writ petition was filed in the year 2009 and an order of interim injunction was granted while admitting the writ petition. Thereafter, the matter has been kept pending. At this length of time, this Court is of the view that there is no purpose in keeping this writ petition pending. However, it is seen that the petitioner has made a representation on 03.03.2008 to the first respondent, enclosing the copies of sale deed and other copies of related documents including the Registration Certificate, praying for removal of encroachments. Further, the petitioner Association had made a combined representation to the Revenue Divisional Officer, Cuddalore District, the third respondent on 06.06.2008. It is also seen that a reminder has been sent to the first respondent on 13.04.2009. Hence the first respondent is directed to consider the representation of the

petitioner dated 03.03.2008 and pass appropriate orders on merits and in accordance with law, after granting sufficient opportunity to the petitioner and all the concerned parties, within a period of six weeks from the date of receipt of a copy of this order.

3.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KM

To

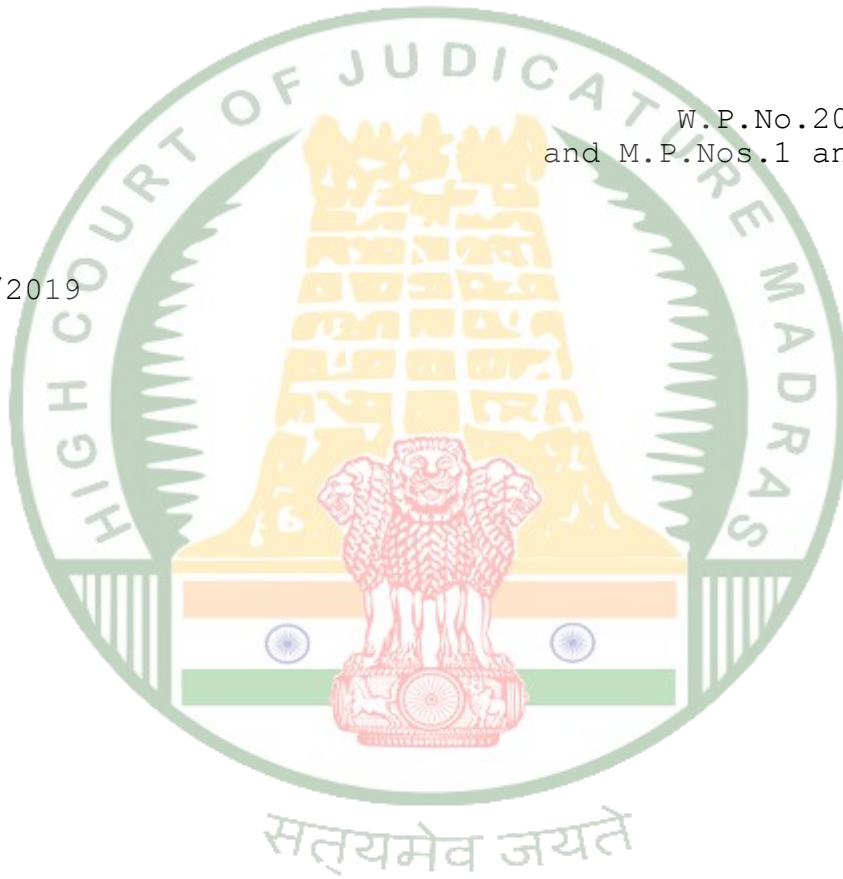
- 1.The District Collector,
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- 5.The Block Development Officer,
Cuddalore Panchayat Union,
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- 6.The President, Nathappattu Panchayat,
Kondur Post,
Cuddalore-2.

7.The Assistant Engineer,
Tamil Nadu Electricity Board,
Jothi Nagar, Kondur Post, Cuddalore-2.

+lcc to Mr.R.Gururaj, Advocae Sr.915
+lcc to Mr.P.Mani, Advocate Sr.848
+lcc to the Government Pleader Sr.1473

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srg 26/02/2019



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