

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22787 of 2004 and
W.P.M.P.No.27558 of 2004

1. The Chairman,
Madurantakam Municipality,
Madurantakam Taluk, Kancheepuram District.
2. The Commissioner,
Madurantakam Municipality,
Madurantakam Taluk, Kancheepuram District. .. Petitioners

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. Balaraman
3. T.A.Arulpathy .. Respondents
(R3 impleaded vide order dated 02.09.2017
made in W.P.M.P.No.5389 of 2005)

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorari calling for the records in Na.Ka.49130/2003/A3 dated 20.02.2004 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.P.Srinivas
For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1)
Mrs.AL.Gandhimathi (R2)
Mr.C.Jagadish (R3)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The Chairman, Madurantakam Municipality and the Commissioner, Madurantakam Municipality have filed the above Writ Petition challenging the order passed by the 1st respondent, the District Collector, dated 20.02.2004.

2.By the impugned order dated 20.02.2004, the 1st respondent, the District Collector directed the Tahsildar, Madurantakam to initiate action against the petitioners for encroaching the land belonging to the Government, causing hindrance to the traffic.

3.While passing the impugned order, the 1st respondent observed that on inspection by the District Revenue Officer, it was found that the petitioners have put up the construction right on the Northern side of the Sannadhi Street causing hindrance to the free flow of traffic. While passing the order, the 1st respondent also directed the Tahsildar to remove the encroachment made by the Municipality within a period of six weeks. The parties also produced photographs to prove that the petitioners have encroached the road for putting up the construction.

4.When the 1st respondent has clearly found that the Municipality had put up the construction blocking the free flow of traffic, the order passed by the 1st respondent cannot be interfered with. In such circumstances, we are not inclined to interfere with the order passed by the 1st respondent. The Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

va

To

1. The District Collector,
Kancheepuram District, Kancheepuram.

+1cc to Mrs.AL.Gandhimathi, Advocate, S.R.No.75012

+1cc to Mr.P.Srinivas, Advocate, S.R.No.77764

+1cc to Mr.C.Jagadish, Advocate, S.R.No.75010

+1cc to the Government Pleader, S.R.No.75510

W.P.No.22787 of 2004 and
W.P.M.P.No.27558 of 2004

AD(CO)
CS/09/10/2019