



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

WEB COPY

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.34663 of 2004 and

W.P.M.P.No.41836 of 2004

T.Lingesan

.. Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
Wallajha Taluk,
Vellore District.

3.The Block Development Officer (VP),
Wallajha Union,
Vellore District.

4.The Panchayat President
Vanapadi Panchayat,
Wallajha Taluk,
Vellore District.

5.P.Chandrasekaran

6.C.Megan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus to call for the records in Na.Ka.AA2/7157/2004 dated 28.09.2004 passed by the 1st respondent pursuant to the order passed by the 3rd respondent in O.Mu.2206/2004 (AA2) dated 17.09.2004 and quash the order dated 28.09.2004 as illegal, improper, unreasonable, arbitrary against the natural justice and non-application of mind and thereby direct the respondents 1 to 4 to remove the pump room at Survey N.372 and the newly constructing house put up by the respondents 5 & 6 by encroaching the Vadavandai Veedhi in Survey No.372/9, 372/8-A make sub-street for free traffic



which is situated in 30 feets breadth (wide) at Tamil Annai Street, Vanapadi Village, Wallajha Taluk, Vellore District.

WEB COPY For Petitioner : Mr.B.Gopalakrishnan
for M/s.E.M.K.Yashwant Rao

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R4)
Mr.N.Vijayaraghavan (R5 & R6)

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of certiorarified mandamus to call for the records relating to the order of the 1st respondent dated 28.09.2004 pursuant to the order passed by the 3rd respondent dated 17.09.2004 and to quash the same and consequently direct the respondents 1 to 4 to remove the pump room at Survey N.372 and the newly constructing house put up by the respondents 5 & 6 by encroaching the Vadavandai Veedhi in Survey No.372/9, 372/8-A make sub-street for free traffic.

2.By the impugned order dated 17.09.2004, the 3rd respondent rejected the request made by the petitioner for removing the super-structure put up by the Government considering the representation made by the public. Similarly, the 1st respondent also rejected the request made by the petitioner for removing the superstructure.

3.The learned counsel appearing for the petitioner submitted that the petitioner may be permitted to give a fresh representation and in such a case, the authorities may consider the same and pass orders in accordance with law.

4.The learned Government Pleader (i/c) appearing for the respondents 1 to 4 submitted that the petitioner may be given liberty to give fresh representation and on receipt of the same, the authorities would consider the same in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side and in view of the submission made by the learned counsel for the petitioner in particular, we give liberty to the petitioner to give a fresh representation to the official respondents and on receipt



of the same, the official respondents shall consider and pass orders on merits and in accordance with law.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District, Vellore.

2. The Tahsildar,
Wallajha Taluk, Vellore District.

3. The Block Development Officer (VP),
Wallajha Union,
Vellore District.

4. The Panchayat President
Vanapadi Panchayat,
Wallajha Taluk, Vellore District.

+1cc to Mr.M.B.Gopalan , Advocate SR.No.66086
+1cc to Mr.V.Jayaprakash Narayanan , Advocate SR.No. 66295
+1 cc to Government Pleader Sr.No. 66358

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A.SK(22/08/2019)