

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.1290 of 2018

M/s.Vasantha Nagar Residents Welfare Association
Rep. by its President, C.Rajeshkumar
Plot No.6, Vasantha Nagar
Koliyanur Post
Villupuram Town and Taluk. .. Petitioner

Vs.

1 The District Collector
Villupuram Distirct
Villupuram.

2 The Revenue Divisional Officer
Villupuram Distirct
Villupuram.

3 The Tahsildar
Villupuram Distirct
Villupuram.

4 The Commissioner
Villupuram Municipality
Villupuram.

5 P. Sujanmal Bhora

6 Rathanchand Bhora

7 Kannayiram

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 to 4 or their subordinates to remove the encroachment made by the respondents 5, 6 and 7 in Survey No.149/2, 53 and 144 respectively situate at Vasantha Nagar, Panampattu Village, Koliyanur Panchayat Union, Villupuram Taluk and District, which are classified as 40 feet road and Vaikkal Poramboke based on the representation of the petitioner society dated 10.1.2018 forthwith.

For Petitioner : Mr.C.Prabakaran
for M/s.D.S.Thiruma Valavan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1 to 3

Mr.P.Srinivas
for 4th respondent

Dr.A.Thiyagarajan
Senior Counsel
for Ms.A.Vinupradha
for 6th respondent

5th respondent - Died

7th respondent - Refused

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.C.Prabakaran, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for respondents 1 to 3; Mr.P.Srinivas, learned counsel for the fourth respondent; and Dr.A.Thiyagarajan, learned Senior Counsel for the sixth respondent.

2. The prayer of the petitioner is that direction be issued to respondents 1 to 4 or their subordinates to remove encroachment made by respondents 5, 6 and 7 in Survey No.149/2, 53 and 144 respectively situated at Vasantha Nagar, Panampattu Village, Koliyanur Panchayat Union, Villupuram Taluk and District, which are classified as 40 feet road and Vaikkal Poramboke.

3. The learned counsel for the petitioner submitted that as far as the seventh respondent is concerned, the encroachment made by him has been removed. He, however, submitted that the encroachment put up by the sixth respondent, who is the son of the fifth respondent, has not been removed.

4. The learned Government Pleader (i/c.) has tendered a status report dated 18.3.2019 in which it is clearly stated that all the encroachments were cleared and there is no encroachment in any of the survey numbers as alleged by the petitioner.

In view of the averments in the status report, no further orders are necessary at this stage. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The District Collector
Villupuram Distirct
Villupuram.
- 2 The Revenue Divisional Officer
Villupuram Distirct
Villupuram.
- 3 The Tahsildar
Villupuram Distirct
Villupuram.
- 4 The Commissioner
Villupuram Municipality
Villupuram.

+1 cc to Mr.M.Nallathambi, Advocate, S.R.No.26958

+1 cc to Mr.P.Srinivas, Advocate, S.R.No.27363

+1 cc to the Government Pleader, S.R.No.27212

सत्यमेव जयते

W.P.No.1290 of 2018

SSV(CO)
SSM(09/04/2019).

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