

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.14163 of 2019

Shanmugam

... Petitioner

vs.

1.The Tahsildar
Madurantagam Taluk
Kanchipuram District

2.Selvadurai

3.Kannan

4.G.Rajam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider petitioner's representation dated 23.04.2019.

For Petitioner : Mr.K.Shanmugam

For Respondents: Mr.E.Manoharan

Additional Government Pleader for R1

सतयमेव जयते
O R D E R

(Order of the Court made by S.VAIDYANATHAN, J)

This writ petition has been filed by the petitioner seeking a direction to the first respondent to consider the petitioner's representation dated 23.04.2019.

2.Though there are private respondents, disposal of this writ petition is not going to prejudice them as there is no specific direction or order against them.

3. It is represented by the petitioner that there has been encroachment on the road by respondents 2 to 4 and the same has got to be removed.

4. We have heard learned Additional Government Pleader appearing for the first respondent on the above submission.

5. It is submitted by the learned Additional Government Pleader that they will conduct survey and ascertain as to whether there is any such encroachment on the road and if so, they will remove the encroachment.

6. It is made very clear that removal of encroachment in a Public Interest Litigation is completely different from removing the encroachment on a private property. If there are any encroachment by respondents 2 to 4 on a private property, the only remedy to the petitioner is to approach the civil Court and the relief granted herein may not be applicable. If, on survey, it is found that there is encroachment on the road, the first respondent is directed to take necessary action after hearing the petitioner and the contesting respondents 2 to 4 and take a decision within a period of one month from the date of hearing the parties.

The writ petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm/gpa

To

The Tahsildar
Madurantagam Taluk
Kanchipuram District.

+2cc to Mr.K.Shanmugam, Advocate, S.R.No. 43397
+1cc to the Government Pleader, S.R.No. 43410

W.P.No.14163 of 2019

LN(CO)
GN(10/05/2019)