

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.24864 of 2018

P.Yoganantham

.. Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The Revenue Divisional Office,
Ambattur,
Chennai.

3.The Tahsildar,
Maduravoyal, Chennai.

4.The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.

5.V.Sekar

6.The Tahsildar,
Poonamallee

.. Respondents

(R6 suo motu impleaded vide order dated 13.11.2018 made in
W.P.No.24864 of 2018)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to directing the respondents 1 to 3 herein to take appropriate action to remove the unauthorized construction and encroachment in the public road, comprised in Survey No.321, Vanagaram Village, Ambattur Taluk, Thiruvallur District with reference to the proceedings Na.Ka.No.27302/2015/A1 dated 30.07.2016 issued by the 1st respondent herein by disposing the representation dated 16.08.2017 submitted by the Writ Petitioner within the stipulated time.

For Petitioner : Mr.G.Thangavel

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R4)
Mr.S.Rajendran (R5)

O R D E R

(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus to directing the respondents 1 to 3 herein to take appropriate action to remove the unauthorized construction and encroachment in the public road comprised in Survey No.321, Vanagaram Village, Ambattur Taluk, Thiruvallur District with reference to the proceedings dated 30.07.2016 issued by the 1st respondent by disposing of the representation dated 16.08.2017 submitted by the petitioner within a time frame.

2.It is the case of the petitioner that he has absolute right over the property comprised in Survey No.321 measuring an extent of 6549.09 sq.ft. of 96, Vanagaram Village, Ambattur Taluk, Tiruvallur District and that the 5th respondent has been causing undue hardship and suffering by encroaching the public road in Survey No.321 of Vanagaram Village, which is being used as a public passage.

3.The 3rd respondent filed a status report wherein it is stated that the 5th respondent encroached Kalam Poramboke in Survey No.321 measuring 0.44.0 acres in Vanagaram Village, Poonamallee Taluk, Tiruvallur District and that a notice under Section 7 of the Tamil Nadu Land Encroachment Act was issued on 07.08.2015 to the 5th respondent and subsequently, on 15.08.2015, Section 6 notice was also issued to him. Aggrieved over the notice issued under Section 6, the 5th respondent filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act and by order dated 30.07.2016 the 1st respondent dismissed the appeal. Thereafter, the Revenue Officials removed the encroachment made by the 5th respondent, but subsequently, the 5th respondent again encroached the lands, therefore, the 3rd respondent once again issued a notice under Section 7 dated 04.01.2019 and the 5th respondent has also filed an appeal under Section 10 of the Act before the 1st respondent.

4.Since the appeal is pending before the 1st respondent under Section 10 of the Tamil Nadu Land Encroachment Act, we are of the considered view that it would be suffice to direct the 1st respondent to dispose of the appeal expeditiously.

5. Accordingly, the Writ Petition is disposed of with a direction to the 1st respondent to dispose of the appeal filed by the 5th respondent in accordance with law as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

va

To

- 1.The District Collector,
Thiruvallur District.
- 2.The Revenue Divisional Office,
Ambattur,
Chennai.
- 3.The Tahsildar,
Maduravoyal, Chennai.
- 4.The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.
- 5.The Tahsildar,
Poonamallee.

+1cc to Mr.G.Thangavel, Advocate, S.R.No.10085
+1cc to the Government Pleader, S.R.No.10551

W.P.No.24864 of 2018

SV(CO)

rrs 05/03/2019

WEB COPY