

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.23384 of 2019 and
W.M.P.No.23141 of 2019

M.Ayyanarappan

.. Petitioner

Vs.

1.The District Collector,
Villupuram District.

2.The Tahsildar,
Vanur, Tindivanam Taluk,
Villupuram District.

3.The Secretary,
Auroville Foundation,
Auroville Foundation Bhawan
Administrative Area - Town Hall,
Auroville, Villupuram District,
Tamil Nadu - 605 101.

4.The Union of India,
rep by its Secretary,
Human Resource Department,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents 1 & 2 to remove all the encroachments and obstructions in the public cart track connecting Tindivanam - Puducherry Bypass Road and East Coast Road, passing through Survey Nos.308, 30/1, 26/1, 19/1, 9/1, 388/1, 385/9, 367/3 and 367 and demolish the building constructed without planning permission within a time frame.

For Petitioner : Mr.Elephant G.Rajendran

For Respondents : Mr.S.N.Parthasarathi,
Government Advocate (R1 & R2)

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 mandamus directing the respondents 1 & 2 to remove all the encroachments and obstructions in the public cart track connecting Tindivanam - Puducherry Bypass Road and East Coast Road, passing through Survey Nos.308, 30/1, 26/1, 19/1, 9/1, 388/1, 385/9, 367/3 and 367 and demolish the building constructed without planning permission within a time frame.

2.Mr.Elephant G.Rajendran, learned counsel appearing for the petitioner submitted that the petitioner has given a representation dated 15.04.2019 through his counsel for removing the encroachments.

3.On a perusal of the representation dated 15.04.2019, it could be seen that the petitioner has not mentioned the Survey Numbers where the encroachments were made by the encroachers. Since the representation is bald, the same cannot be considered by the authorities.

4.The learned counsel for the petitioner submitted that the petitioner may be given liberty to give a fresh representation with all necessary details and on submission of the same, the respondents 1 & 2 may be directed to consider the same.

5.Mr.S.N.Parthasarathi, learned Government Advocate appearing for the respondents 1 & 2 submitted that in the event of the petitioner giving a fresh representation, the 2nd respondent would consider and pass orders in accordance with law.

6.Having regard to the submissions made by the learned counsel on either side, we give liberty to the petitioner to give fresh representation to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent is directed to consider and pass orders on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

va

To

- 1.The District Collector,
Villupuram District.
- 2.The Tahsildar,
Vanur, Tindivanam Taluk,
Villupuram District.
- 3.The Secretary,
Auroville Foundation,
Auroville Foundation Bhawan
Administrative Area - Town Hall,
Auroville, Villupuram District,
Tamil Nadu - 605 101.
- 4.The Secretary,
Union of India,
Human Resource Department,
Shastri Bhawan,
Dr.Rajendra Prasad Road, New Delhi.

+1cc to Mr.G.Rajendran Advocate, S.R.No.68231
+1cc to the Government Pleader, S.R.No. 69341
+1cc to Mr.G.Rajendran Advocate, S.R.No.68231 (27/09/2019)

PP(CO)
CB(04/09/2019)

W.P.No.23384 of 2019 and
W.M.P.No.23141 of 2019