

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

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THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.31021 of 2019
and
W.M.P.No.31119 of 2019

Isha Homes Private Limited
represented by its Authorised Signatory
Mr.N.Anbumani
S/o.M.Natarajan
E-29, Second Floor, Second Avenue,
Besant Nagar, Chennai - 600090. ... Petitioner

Vs

- 1.The Commissioner,
Kattankulathur Panchayath,
Kattankulathur, Kanchipuram District.
- 2.The Secretary to Panchayath,
Nedunkundram, Chengelput Taluk,
Kanchipuram District.
- 3.Chennai Metropolitan Development Authority,
represented by its Member-Secretary,
No.1, Gandhi-Irwin Road,
Egmore, Chennai - 600008.
- 4.The District Collector,
Collectorate,
Vandavasi Road, Kanchipuram,
Kanchipuram District.
- 5.The President and Members,
Green Hills Apartment Owners and
Villa Owners Association,
TVS Green Hills,
Nedunkundram, Perunkalathur,
Chennai - 600063. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 4 to consider petitioner's representation dated

11.07.2019 insofar as the removal of obstacles, hindrance and encroachments caused on the public road comprised in S.Nos.278/4B and 10, 307/1A, 307/1B, 315, 316, 317/1, 2A, 2B, 3B1 and 3B2, 318, 319/1, 2 and 3, 320/1, 2A, 2B and 3, 321/1, 2A1, 2A2, 2B and 3, 322/2A and 2B, 323/1A, 1B1, 1B2, 1B3B, 1B4, 1B5, 1B6, 1B7, 2A and 2B, 324/1 and 2, 327/3A, 3B, 4, 5A and 5B, 329/1A and 1B, 345/2B1 and 2B2B, 347/2A, 412/1B, 413/1B and 2B and 4/1B forming part of Patta No.2502 issued by Revenue Department, Kanchipuram District, situated at Nedunkundram Village, Kattankulathur Panchayath Union, Chengelpet Taluk, Kancheepuram District, by fifth respondent herein and initiate appropriate action against the fifth respondent for causing such illegal acts.

For Petitioner : Mr.R.Mohan

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader [R1, R2 and R4]
Mr.S.Thiruvengadam [R3]
Mr.R.Subburaj [R5]

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking for issuance of a Writ of Mandamus directing respondents 1 to 4 to consider petitioner's representation dated 11.07.2019 insofar as the removal of obstacles, hindrance and encroachments caused on the public road comprised in S.Nos.278/4B and 10, 307/1A, 307/1B, 315, 316, 317/1, 2A, 2B, 3B1 and 3B2, 318, 319/1, 2 and 3, 320/1, 2A, 2B and 3, 321/1, 2A1, 2A2, 2B and 3, 322/2A and 2B, 323/1A, 1B1, 1B2, 1B3B, 1B4, 1B5, 1B6, 1B7, 2A and 2B, 324/1 and 2, 327/3A, 3B, 4, 5A and 5B, 329/1A and 1B, 345/2B1 and 2B2B, 347/2A, 412/1B, 413/1B and 2B and 4/1B forming part of Patta No.2502 issued by Revenue Department, Kanchipuram District, situated at Nedunkundram Village, Kattankulathur Panchayath Union, Chengelpet Taluk, Kancheepuram District, by fifth respondent herein and initiate appropriate action against the fifth respondent for causing such illegal acts.

2. Heard learned counsel for petitioner, learned Government Pleader appearing for respondents 1, 2 and 4, learned standing counsel for third respondent and learned counsel for fifth respondent. Perused the materials on record.

3. Though very many contentions have been raised by learned counsel for petitioner, the main contention raised is that the fifth respondent has put up a barrier right across the road,

which is surrendered to first respondent and thereby blocking the entry and free ingress and egress of other public to pass through the said road to reach to their respective lands. Besides putting up barricades, fifth respondent has also put up permanent steel gate on all sides, denying access to the public road. In this regard, petitioner submitted a representation to respondents 1 to 4 for taking appropriate action. Since no action was taken, the present Writ Petition has been filed.

4. Learned Government Pleader appearing for respondents 1, 2 and 4 submits that first respondent is the proper authority to take action since the subject road is surrendered to Kattankulathur Panchayath. Learned Government Pleader further submits that the first respondent will conduct enquiry and if they find any encroachment, the same will be removed immediately. The said submission is recorded.

5. This Court directs the first respondent to complete the aforesaid exercise within a period of six weeks from today, after affording an opportunity of hearing to the fifth respondent to put forth its case.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Kattankulathur Panchayath,
Kattankulathur, Kanchipuram District.
- 2.The Secretary to Panchayath,
Nedunkundram, Chengelput Taluk,
Kanchipuram District.
- 3.The Member-Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi-Irwin Road,
Egmore, Chennai - 600008.

4.The District Collector,
Collectorate,
Vandavasi Road, Kanchipuram,
Kanchipuram District.

+1cc to Mr.R.Mohan, Advocate, SR.No.101432.
+1cc to Mr.S.thiruvengadam, Advocate, SR.No.101878.
+1cc to Mr.R.Subburaj, Advocate, SR.No.102096.
+1cc to Government Pleader, SR.No.102193.

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AD(CO)
CSR(10/12/2019)