

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.07.2019

CORAM

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

W.P.No.26053 of 2018

Valarmathi

... Petitioner

Vs

- 1 The Collector
Kancheepuram District
O/o The Collector
Kancheepuram.
- 2 The District Revenue Officer
Kancheepuram District
Kancheepuram.
- 3 The Thasildhar
Thirukazhukundram
Kancheepuram District.
- 4 The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Limited
No.1 GST Road (Opp.New Bus Stop)
Chengalpattu.
- 5 The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited
Thirukazhukundram
Kancheepuram District.
- 6 Chellappan
- 7 Kumar, S/o.Chellappan
- 8 Kumar, S/o.Duraikannu
- 9 Sabapathi

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10 The Block Development Officer
Panchayat Union Office
Thirukazukundram
Kancheepuram District. .. Respondents
(R10 impleaded vide order dt 22.04.19
made in WMP.No.11950/2019)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to consider the petitioner's representation dated 23.02.2018 and reminder cum representation dated 20.06.2018 and take necessary action to remove the encroachment made by respondents 6 to 9.

For Petitioner : Mr.R.Narendran

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondents 1 to 3 and
10

No appearance
for respondents 4, 5, 6, 8
and 9

Not ready notice
for 7th respondent

ORDER

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

Heard Mr.R.Narendran, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for respondents 1 to 3 and 10.

2. The case of the petitioner is that there is encroachment on tank and pathway between her land comprised in Nanja Old Survey No.133/4 and New Survey No.133/4B and the road. Hence, she has preferred representations in relation to the same and the prayer of the petitioner is that the said representation dated 23.2.2018 and the reminder representation dated 20.6.2018 be decided at the earliest.

3. The learned counsel for the petitioner submitted that he is restricting the prayer only in relation to the encroachment put up on the tank and he is not pressing the prayer in relation to the encroachment put up on the

pathway. As far as this prayer for removal of encroachment on the pathway is concerned, he seeks liberty to send fresh representation to the authority concerned.

4. Thus, in this writ petition, we are concerned only with regard to the representation of the petitioner in relation to the removal of encroachment on tank.

5. As far as the removal of encroachment on tank is concerned, the petitioner has preferred a representation dated 23.2.2018 with a reminder on 20.6.2018. The representation dated 23.2.2018 has only been forwarded to the third respondent, i.e., the Tahsildar, Thirukazhukundram, who is not the authority concerned to decide the representation. However, the petitioner has sent a reminder on 20.6.2018 addressed to the second respondent and the copy of the said representation has also been sent to the tenth respondent, i.e., The Block Development Officer, Panchayat Union Office, Thirukazukundram, Kancheepuram District.

6. The tenth respondent is the competent authority to deal with the representation. The learned Government Advocate stated that he will inform the tenth respondent to consider the representation of the petitioner expeditiously.

7. In view of the statement made by the learned Government Advocate, the tenth respondent is directed to consider the representation of the petitioner and pass appropriate orders within a period of eight weeks, after giving notice to respondents 6 to 9.

The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

sasi
To:

- 1 The Collector
Kancheepuram District
O/o The Collector
Kancheepuram.
- 2 The District Revenue Officer
Kancheepuram District
Kancheepuram.

- 3 The Thasildhar
Thirukazhukundram
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Kancheepuram District.
- 6 The Block Development Officer
Panchayat Union Office
Thirukazukundram
Kancheepuram District

+1cc to Mr.R.Narendran , Advocate SR.No. 61133
+1 cc to Government Pleader Sr.No. 62082

A.SK(20/08/2019)

W.P.No.26053 of 2018

सत्यमेव जयते

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