

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.30913 of 2018

And

W.M.P.No. 36064 of 2018

M.Govindaraji

... Petitioner

Vs

1. The Secretary
Government of Tamil Nadu
Municipal Administration and Water Supply Department
Fort St.George
Chennai - 9.
2. The District Collector
Vellore District
Vellore.
3. The Commissioner
Arakkonam Municipality
Arakkonam
Vellore District.
4. The Deputy Director
Town and Country Planning
Vellore Zone
Sathuvachari
Vellore District.
5. Thiru.A.R.Pugalyendhi
The Secretary
The Madhava Nagar Residents Welfare Association
Reg. No. 28/2015,
No.14, 1st Street, Madhava Nagar,
Arakkonam, Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to remove and maintain the Open Space earmarked in S.No. 283/1 and 282 having an extent of 4200 sq.ft., in Madhava Nagar, Arakkonam Town as per the approved layout sanctioned by the fourth respondent in DTCP.No. 3039 of 1981 and the approval of the third respondent in Letter No. 433 of 1981 dated 03.09.81 and to maintain the same as an open space.

For petitioner : Mr. G.Jeremiah

For RR1, 2 & 4 : Mr. C.Munnusamy
Special Government Pleader

For 3rd Respondent: Mr.S.S.Swaminathan

For 5th Respondent: Notice served

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

The petitioner has raised grievance of illegal encroachment of the open space or land belonging to the third respondent, Arakkonam Municipality, Vellore District. The private respondent No. 5 Thiru. A.R.Pugalyendhi, Secretary of the Madhava Nagar Residents Welfare Association is said to have encroached the part of the said open space by putting some idol and making a small boundary around that. The said work in question has been stopped by the said respondent Municipality, while the present petition is pending before this Court.

2. There is no interim order against the respondent Municipality even to remove the said idol as the same prima facie appears to be unauthorised construction placement on idol at the given place. Since the respondent No. 5 is not present in Court despite service, we permit the Municipal authority either to persuade the respondent No. 5 to remove the idol or the municipal authority may remove the idol with police assistance, in case of need and hand it over to the Government, HR, & CE Board, within a period of four weeks from today.

3. With the aforesaid direction, this Writ Petition is closed. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsg
To:

1. The Secretary
Government of Tamil Nadu
Municipal Administration and Water Supply Department
Fort St. George
Chennai - 9.
2. The District Collector
Vellore District
Vellore.
3. The Commissioner
Arakkonam Municipality
Arakkonam
Vellore District.
4. The Deputy Director
Town and Country Planning
Vellore Zone
Sathuvachari
Vellore District.
5. The Commissioner
HR & CE Board,
Fort st. George, Chennai-9.

+1cc to Mr.S.S.Swaminathan, Advocate sr.9636

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mp[co]
srg 22/02/2019