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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.32878 of 2018
and W.M.P.No.38092 of 2018

P.Savithri

... Petitioner

Vs.

1.The Commissioner,
Municipal Administration &
Water Supply Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Vellore District.

3.The Commissioner,
Ranipet Municipality,
Ranipet,
Vellore District.

4.The Revenue Divisional Officer,
Ranipet,
Vellore District.

5.The Tahsildar,
Wallaja Taluk,
Vellore District.

6.G.Hamsa

... Respondents

R6 impleaded vide order dated 09.04.2019
made in W.M.P. No.1911 of 2019 in W.P.
No.32878 of 2019 by CJ and MDJ

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to remove the encroachment of the sewerage line by the private respondents from No.1A/4, L.F.Road, Karai, Ranipet, Vellore District and consequently to provide the petitioner's residential house at 1A/3 L.F.Road, Karai, Ranipet, Vellore District with permanent sewerage connection in furtherance of the proceedings of the second respondent dated 01.09.2018.



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For Petitioner : Mrs.Dakshayani Reddy for
Mr.P.Nethaji

For Respondents : Mr.V.Shanmuga Sundar,
Special Government Pleader
for R1, 2, 4 & 5

Mr.V.Jayaprakash Narayanan,
Government Pleader for R3

No appearance for R6

O R D E R

(Order of this Court was made by R.SUBBIAH, J.)

The petitioner has come up with this present Writ Petition for issuance of Writ of Mandamus to remove the encroachment of the sewerage line by the private respondents from No.1A/4, L.F.Road, Karai, Ranipet, Vellore District and to provide permanent sewerage connection to her residential house situated at 1A/3 L.F.Road, Karai, Ranipet, Vellore District in furtherance of the proceedings of the second respondent dated 01.09.2018.

2.The case of the petitioner is that in the year 1998, she has purchased the property in question where she has built a residential house. In the year 1999, by spending funds, she has also laid PVC pipeline from her residence to the main sewerage pipes of the respondent Municipality through the Municipality Poramboke land. While so, the sixth respondent, who is the petitioner's neighbour, in order to expand her residential house, broke the petitioner's sewerage PVC pipes and occupied the municipality poramboke land. Due to the same, the petitioner's sewerage has been flowing to the open ground by causing potential health hazard to the petitioner and her family members. In the year 2017, the petitioner had lodged a complaint to the respondents including a police complaint. Based on the complaint, the District Collector, the second respondent by a proceeding dated 01.08.2018 directed the Commissioner of Ranipet Municipality, the Revenue Divisional Officer and the Tahsildar to take necessary action. Based upon the same, the Revenue Divisional Officer by proceedings dated 03.10.2018 directed the Tahsildar to take necessary action and to send action report. Pursuant to the same, instead of addressing the issue, the Tahsildar has issued proceedings dated 08.10.2018 stating that the poramboke land does not belong to the Revenue Department, but belongs to the Municipality. Therefore, from the year 2017, the petitioner has been forced to run from pillar to post to redress her basic grievance. Therefore, the petitioner has come up with this Writ Petition.



3.A Counter affidavit has been filed by the third respondent stating in para 9 that they have already initiated necessary action to remove the encroachers in Town Survey Nos.17 and 34 which absolutely belong to the third respondent.

4.Recording the statement made in the counter affidavit, the writ petition is disposed of, directing the third respondent to remove the encroachment by initiating necessary action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Commissioner,
Municipal Administration &
Water Supply Department,
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Chennai-600 009.

2.The District Collector,
Vellore District.

3.The Commissioner,
Ranipet Municipality,
Ranipet,
Vellore District.

4.The Revenue Divisional Officer,
Ranipet,
Vellore District.

5.The Tahsildar,
Wallaja Taluk,
Vellore District.

+1cc to Mr.P.Nethaji , Advocate SR.No. 102417
W.P.No.32878 of 2018 and W.M.P.No.38092 of 2018
A.SK(12/12/2019)