

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

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

W.P.No.27227 of 2019

M.Parasuraman

... Petitioner

Vs

1. The District Collector
Cuddalore District
Cuddalore New Town - 607 001
2. The Assistant Director (Panchayat)
Office of the Assistant Director of Panchayat
Cuddalore.
3. The Regional Development Officer of Panchayat
Cuddalore Panchayat Union.
4. The Panchayat Extension Officer
Nellikuppam Road,
Cuddalore New Town - 607 001.
5. The Panchayat Executive Officer/
The Block Development Officer
Cuddalore New Town 607 001.
6. The Tahsildar
Taluk Office Cuddalore.
7. The Inspector of Police
Law and Order,
Cuddalore O.D.
8. Senji
9. Veerappan (Mason)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 7 to take actions to remove the said illegal constructions made by encroaching on the middle of the cement road lying east to west in Dhandapani Pillai Nagar of Karaikkadu Panchayat of Cuddalore Panchayat Union.

For Petitioner : Dr.C.Ravichandran
for M/s.P.Johnson

For Respondents: Mr.V.Shanmuga Sundar
Special Govt.Pleader
for R1 to R4, R6 & R7
Mr.S.N.Parthasarathi
Govt.Advocate for R5
Mr.N.Suresh for R8
No appearance for R9

O R D E R

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

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 to 7 to take action to remove the illegal constructions made by encroaching on the middle of the cement road lying East to West in Dhandapani Pillai Nagar of Karaikkadu Panchayat of Cuddalore Panchayat Union.

2. It is the case of the petitioner that he is a resident of Dhandapani Pillai Nagar Main Road, Karaikadu Village SIPCOT Post, Cuddalore 607 005, which is located East of Cement road, Karaikadu Panchayat, lying East to West in Dhandapani Pillai Nagar. The respondents 8 and 9 herein have obstructed the cement road lying East to West in Dhandapani Pillar Nagar of Karaikkadu Panchayat of Cuddalore Panchayat Union by constructing a Temple without any authorisation from the Government or civic body on 09.05.2013. On 09.05.2013 itself, the petitioner gave a complaint before the then Panchayat President and also preferred a complaint on 11.05.2013 before Muthu Nagar Police Station. On enquiry, the 8th respondent sought time to produce the permission shortly. Though the petitioner made repeated representations before the respondent officials to take necessary steps to remove the illegal constructions, no steps have been taken. Hence he filed a writ petition in W.P.No.19694 of 2013 before this Court. This Court passed an order on 03.10.2013 directing the respondents therein to consider the representation dated 28.06.2013 within a period of four weeks. Even then, no steps have been taken by the respondent officials.

If the construction of the Temple on the Cement Road is not removed, the petitioner will be put into irreparable loss and it also affects the petitioner's farm works, as access to the petitioner's farm along with other local residents is obstructed. Under such circumstances, the present writ petition is filed.

3. The learned counsel appearing for the 8th respondent denied the averments of the petitioner.

4. Be that as it may. This Court is not conducting any roving enquiry in this writ petition under Article 226 of Constitution of India with regard to the dispute. Considering the submissions of the learned counsel for the petitioner, without going into the merits of the case, this Court directs the petitioner to give a fresh representation to the fifth respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the fifth respondent is directed to consider the representation of the petitioner and pass orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner and as well as to the 8th and 9th respondents. If the authorities come to the conclusion that there is encroachment, they shall proceed with the same and remove the encroachment in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore District,
Cuddalore New Town - 607 001.
2. The Assistant Director (Panchayat),
Office of the Assistant Director of Panchayat,
Cuddalore.

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Cuddalore Panchayat Union.
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The Block Development Officer,
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6. The Tahsildar,
Taluk Office Cuddalore.
7. The Inspector of Police,
Law and Order,
Cuddalore O.D.

+1cc to M/s.S.B.Viswanathan, Advocate Sr.9093
+1cc to Mr.N.Suresh, Advocate Sr.9392

W.P.No.27227 of 2019

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srg 10/03/2020



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