

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

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

Writ Petition No.34549 of 2019
and WMP.No.35253 of 2019

B.Hemanthraj

...Petitioner

Vs

1. The District Collector,
Tiruvallur District Collectorate,
Tiruvallur 602 001.
2. The Commissioner of Police
Greater Chennai,
Commissioner Office Building
132 E.V.K.Samath Salai,
Vepery, Chennai 600 007.
3. The Revenue Divisional Officer
Ambattur Revenue Division
Anna Nagar Western Extension
Chennai 600 102.
4. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai 600 053.
5. The Revenue Inspector
Ambattur Taluk,
Ambattur Estate,
Chennai 600 058.
6. The Inspector of Police
V-4 Rajamangalam Police Station,
No.43, I Main Road,
Senthil Nagar, Kolathur,
Chennai 600 099.
7. The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai 600 002.

8. The Assistant Engineer
Tamil Nadu Electricity Board
O & M Rajamangalam
CSOE/North, No.147, 3rd Main road,
Baba Nagar, Villivakkam,
Chennai 600 049.

9. The Zonal Officer,
Corporation of Chennai,
Zone-7, Ambattur,
Chennai.

10. P.Bala @ Balasrikanth

11. Bommi

.... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 1 to 9 to consider the petitioner's representation dated 21.11.2019, within a stipulated period fixed by this Court and remove the encroachment from the above said 30 feet public road at New Street, Rajiv Gandhi Nagar, Thathankuppam, Chennai-49 in accordance with law.

For Petitioner : Mr.K.Manikandan

For Respondents: Mr.V.Shanmuga Sundar
Spl. Govt. Pleader for R1 to R6
Mr.P.R.Dhilip Kumar for R7 & R8
Mr.K.Raja Shrinivas for R9
Mr.V.V.Sairam for R10 & R11

सतयमेव जयते
O R D E R

[Order was delivered 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 9 to consider his representation dated 21.11.2019, within a stipulated period as may be fixed by this Court and remove the encroachment from the 30 feet public road at New Street, Rajiv Gandhi Nagar, Thathankuppam, Chennai-49 in accordance with law.

2. It is the case of the petitioner that he purchased the property ad-measuring an extent of 1,300 sq.ft situated at Plot No.3, Rajiv Gandhi Nagar, Thathankuppam, Chennai 49. On 19.06.2016, the 10th respondent, with the help of one 11th

respondent herein, started encroaching the said 30 feet public road by putting up huts and thatched enclosures. Hence, the residents complained to the Police Officials, pursuant to the complaint the sixth respondent and Revenue Officials came to the spot with the Village Administrative Officer, but they were insulted by the 10th respondent and their men in filthy language. The petitioner has sent representation to all the statutory authorities to look into the matter and take appropriate steps. Since no action was taken by the respondents 1 to 6 herein the petitioner filed a writ petition in W.P.No.23323 of 2016, wherein, this Court had directed the respondents therein to consider the petitioner's representation. In compliance to the order passed in W.P.No.23323 of 2016, the authorities had taken action to remove the encroachment on the 30 feet public road with the protection of the police officials and the encroachment was removed. According to the petitioner, on 08.11.2019, again, the 10th respondent encroached the said public road in old S.No.125/1, T.S.No.117 and put up a hut on 30 feet public road by claiming the right based on a settlement deed executed by one Rajammal in favour of Bommi, wife of Balasrikanth the 11th respondent herein and claiming right over the said public road. According to the petitioner, the said document is a forged document, created for the purpose of encroachment of public land. On 19.11.2019, the petitioner has sent a detailed representation to respondents 1 to 9 and requested them to take necessary action to remove the encroachment. Since no action was taken, the petitioner has come forward with the present writ petition.

2. Mr.K.Raja Shrinivas, learned Standing Counsel appearing for the ninth respondent, filed an affidavit on behalf of the ninth respondent, in which it is stated that the Tahsildar, Ambattur Taluk/fourth respondent herein has already identified 15 numbers of encroachers in the land at Old S.No.125/1, Ward "E" Block Bo.32, T.S.No.117 Korattur Village and has taken action by issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to them. The Greater Chennai Corporation will provide men and material to the Tahsildar for removal of the encroachments. As per the report of the Tahsildar, Ambattur Taluk, the land at Old S.No.125/1, Ward "E" Block No.32, T.S.No.117 Korattur Village, is classified as Battai and after removal of encroachments and earmarking of the boundaries of the road by the Tahsildar, the Greater Chennai Corporation will take possession of the said road and will maintain the same.

3. However, 10th & 11th respondents disputed the submission made by the ninth respondent stating that absolutely there is no encroachment in the said place and the submission made by the ninth respondent is not correct.

4. Be that as it may. The petitioner has sought for the relief to direct the respondents 1 to 8, to consider his representation dated 21.11.2019, within a stipulated time. Accordingly, the fourth respondent, namely the Tahsildar, Ambattur Taluk, Ambattur is directed to consider the petitioner's representation dated 21.11.2019 and after affording an opportunity of personal hearing to him and respondents 10 & 11, and pass orders on merits and in accordance with law. In the event of the fourth respondent coming to the conclusion that there is encroachment, the fourth respondent is directed to proceed further to remove the said encroachment. 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 stands disposed of. No costs. Consequently connected writ petition is also closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

dpq

To

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Corporation of Chennai,
Zone-7, Ambattur,
Chennai.

+2 Ccs to M/s. Arulselvam Associates sr 6113.

+1 CC to Govt. Pleader sr 7230.

+1 CC to Mr.P.R.Dhilip Kumar, Advocate sr 6875

+1 CC to Mr.V.V.Sairam, advocate sr 6032.

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PM(CO)
SP(04/03/2020)

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