

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.35733/2019

M.Ponnambalam ... Petitioner

Versus

1.The District Collector
Kancheepuram District.

2.The Tahsildar
Kundrathur Taluk
Kancheepuram District.

3.The Block Development Officer
Kundrathur at Paddapai Panchayat Union
Kancheepuram District.

4.S.Madhavan

5.M.Sundersan [Ex Village President]

6.Dr.K.P.Yesupatham [Ex Village President] ... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the 1 to 3 respondents herein to initiate necessary action to remove the unauthorised and illegal encroachment made in 50 feet panchayat road in Survey No.760/27 OS.No.20 situate at Thiruvedhi Amman Koil Street, Gregambakkam Village, Kundrathur Taluk, Kancheepuram District by the 4th to 6th respondents by considering the petitioner representation dated 06.07.2019.

For Petitioner : Mr.D.Nandhagopal
For R1 to R3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

(1)By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3.

- (2) The petitioner is the owner of Plot No.5 in Kolapakkam Village in S.No.169/1, Sri Narayana Nagar, admeasuring to an extent 3400 sq.ft., and it lies adjacent to Tiruveedhi Amman Koil Street. The grievance of the petitioner is that the private respondents 4 to 6 had encroached upon the public street and put up temporary structures and on account of the same, the right to access of the petitioner to his plot is also denied / blocked.
- (3) The learned counsel for the petitioner would submit that the petitioner has also obtained the information under the Right to Information Act, from the Public Information Officer attached to the Office of the Block Development Officer, Kundrathur Panchayat Union, at Padappai vide communication in Na.Ka.No.2913/2015/Aa1 dated 18.05.2017 and it would disclose that in Tiruveedhiamman street, there is an encroachment. The learned counsel for the petitioner has also further invited the attention of this Court to the communication of the 3rd respondent dated 15.10.2018 in Na.Ka.No.2913/2015/B3 addressed to the 2nd respondent requesting the said official to remove the encroachment and though nearly one year and odd had passed, no action has been taken to remove the encroachment and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (4) Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and would submit that further follow up action would be taken in respect of the communication of the 3rd respondent dated 15.10.2018 addressed to the 2nd respondent.
- (5) This Court has considered the rival submissions and also perused the materials placed before it.
- (6) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 2 and 3 to cause inspection of the Tiruveedhiamman Koil Street, Gerugambakkam, Kundrathur Town Panchayat at Padappai, after putting the petitioner as well as respondents 4 to 6 on notice and depending upon the result of the inspection, shall take appropriate action in accordance with law and communicate the decision taken, to the petitioner as well as to the respondents 4 to 6. The entire exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order.

(7)The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Kancheepuram District.
- 2.The Tahsildar
Kundrathur Taluk
Kancheepuram District.
- 3.The Block Development Officer
Kundrathur at Paddapai Panchayat Union
Kancheepuram District.

+1cc to Mr.D.Nandagopal, Advocate, S.R.No. 880

+1cc to the Government Pleader, S.R.No. 951

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RGN (CO)
GN (14/02/2020)



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