

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.35793 of 2019

K.S.Selvaganapathy

.. Petitioner

Versus

- 1.The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
- 2.The Revenue Divisional Officer,
Ponneri Division,
Ponneri 601 204.
- 3.The Tahsildar,
Ponneri Taluk,
Ponneri, PIN 601 201.
- 4.The Assistant Director of Town Panchayat,
Thiruvallur, Thiruvallur District.
- 5.The Executive Officer,
Ponneri Town Panchayat,
Ponneri 601 204.

6.M.Ravikumar

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the 5th respondent to take appropriate action for removal of the illegal shop erected by the 6th respondent by encroaching the public road of Maada Veedhi, comprised in S.No.484, adjoining the North Eastern Side of the Lakshmi Amman Temple on Neeli Appadurai Mudali Street, situate in 11th Ward of Ponneri Town, Thiruvallur District, based on the notice issued by the 5th respondent dated 06.09.2019 in Na.Ka.No.372/2019/A1.

For Petitioner : Mr.S.Ravichandran Sundaresan

For Respondents: Mr.A.N.Thambidurai
Special Government Pleader

ORDER

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

The petitioner, alleging encroachment of a public road namely Maada Veedhi, comprised in S.No.484, adjoining the North Eastern Side of the Lakshmi Amman Temple on Neeli Appadurai Mudali Street, situate in 11th Ward of Ponneri Town, Thiruvallur District, came forward to file this Writ Petition as a Public Interest Litigation.

2. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is not an encroacher upon any public land or lands belonging to local body and the said submission, on instructions, is placed on record.

3. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 5.

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to the Memo of the 4th respondent dated 26.08.2019 in Na.Ka.No.3317/2019/A3 as well as the Notice dated 06.09.2019 in Na.Ka.No.372/2019/A1 issued by the 5th respondent and would submit that despite having found that the private respondent is a former 11th Ward Councilor, had encroached upon the public road by putting up of Tin sheet, which is also exploited for commercial purpose, nothing is moving forward and hence prays for appropriate orders.

5. Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents undertakes to instruct the officials concerned to take follow up action, in the light of the above cited Memo dated 26.08.2019 and the notice dated 06.09.2019 issued by the respondents 4 and 5 respectively.

6. This Court has considered the rival submission and also perused the materials placed before it.

7. This Court taking into consideration 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 4 and 5 to take

appropriate action against the alleged encroachment and putting up of unauthorised temporary structure by the 6th respondent, in the light of the Memo dated 26.08.2019 and 06.09.2019, after following the due process of law and the said exercise shall be completed within a period of 10 weeks from the date of receipt of a copy of this order and the decision / action taken in this regard shall be communicated to the petitioner as well as the 6th respondent.

8. The Writ Petition stands disposed of with the above observation. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
- 2.The Revenue Divisional Officer,
Ponneri Division,
Ponneri 601 204.
- 3.The Tahsildar,
Ponneri Taluk,
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- 4.The Assistant Director of Town Panchayat,
Thiruvallur, Thiruvallur District.
- 5.The Executive Officer,
Ponneri Town Panchayat,
Ponneri 601 204.

+1cc to Mr.Ravichandran Sundaresan, Advocate SR.399

+1cc to the Government Pleader SR.952

NR(CO)
CB(13/02/2020)

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