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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.1228 OF 2021

V.Gopi

... Petitioner

.Vs.

1. The Revenue Divisional Officer,
Ponneri Taluk,
Thiruvallur District.
2. The Tahsildar,
Ponneri Taluk,
Thiruvallur District.
3. The Deputy Superintendent of Police,
Ponneri Taluk,
Thiruvallur District.
4. The Inspector of Police,
Minjur Police Station,
Minjur Circle, Ponneri Taluk,
Thiruvallur District.

5. Mr.Joseph

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 to 4 to take necessary action to remove the container box belonging to the 5th respondent, erected on the Thiruvotriyour High Road in front of the petitioner property bearing door No.456, Thiruvotriyour High Road, comprised in Survey No.532/2, No.144, Vallur Village, Minjur Panchayat Union, Thiruvotriyour Sub Registration district, North Chennai Registration District.

For Petitioner : Mr.T.Sellapandian

For Respondents : M/s.C.Sagamithiran
R1 to R4 Special Government Pleader

For Respondent R5 : Mr.M.Vijayan
For M/s.King and Partridge



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the Respondents 1 to 4 to take necessary action to remove the container box belonging to the 5th respondent, erected on the Thiruvotriyour High Road in front of the petitioner property bearing door No.456, Thiruvotriyour High Road, comprised in Survey No.532/2, No.144, Vallur Village, Minjur Panchayat Union, Thiruvotriyour Sub Registration district, North Chennai Registration District.

2. The case of the petitioner is that he is owner of the property bearing door No.456, Vallur Village, Minjur Panchayat Union, Thiruvotriyour Sub Registration district, North Chennai Registration District. It is the averment of the petitioner that the subordinate of the 4th respondent i.e, one Dillibabu the then Sub Inspector of Police, E-3 Police Station, Minjur accompanied by other persons had brought the container box and erected the same on Thiruvotriyour High Road in front of the petitioner plot thereby obstructing free ingress and egress to the property. The petitioner made several representations to the respondents to remove the same, but no action has been taken. The petitioner made a representation to the 1st respondent on 28.12.2017 under Sec.133 of the Cr.P.C to remove the obstruction. Based on the same a report has been submitted by the Revenue Inspector, Minjur Sub Division on 25.01.2018. In spite of the same no action has been taken by the respondents to remove the obstruction created by the subordinate of the 4th respondent police. Hence, the present Writ Petition.

3. The learned counsel for the petitioner submits that on 21.08.2017, petitioner made a representation to the 4th respondent to remove the container since the same has been erected by obstructing the ingress and egress to the property. Thereafter, on 31.08.2017, he made a representation to the Superintendent of Police, Thiruvallur, expressing his grievance and the same has been forwarded to the 3rd respondent. Despite the same no action has been taken and further, he made a representation to the 1st respondent on 28.12.2017 under Section 133 of the Cr.P.C. Based on the representation, the Revenue Inspector, Minjur Division, after conducting the enquiry, submitted a report, stating that the 5th respondent had agreed to lift the container box in the event an alternative place is identified by the police department. The said report has been submitted on 27.01.2018. However, till date no action has been taken by the respondents. Thereafter, he made a representation to the District Collector, Tiruvallur which has been forwarded to the police department for necessary action but till date no action has been taken by the respondents to remove the container



box of the 5th respondent which has been erected by the 3rd respondent's subordinate. Hence, it would suffice if this Court issues direction to the respondents 4 and 5 to remove the container box which has been erected in front of the petitioner's property within a particular time frame fixed by this Court.

4. The learned Special Government Pleader for Respondents 1 to 4 submits that the container box of the 5th respondent would be removed within the time frame stipulated by this Court.

5. Heard the submissions made by the counsel appearing for the 5th respondent.

6. In view of the aforesaid stand of the respondents, this Court without expressing any opinion on the merits of the case, directs the 5th respondent to remove the container box belonging to him which has been erected on the Thiruvotriyur High Road, comprised in Survey No.532/2, No.144, Vallur Village, Minjur Panchayat Union, Thiruvotriyur Sub Registration District, North Chennai Registration District within a period of two weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Ponneri Taluk,
Thiruvallur District.
2. The Tahsildar,
Ponneri Taluk,
Thiruvallur District.
3. The Deputy Superintendent of Police,
Ponneri Taluk,
Thiruvallur District.



4. The Inspector of Police,
Minjur Police Station,
Minjur Circle, Ponneri Taluk,
Thiruvallur District.

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+1cc to Mr.T.Sellapandian, Advocate, S.R.No.65583
+1cc to M/s.King and Partridge, Advocate, S.R.No.65545
+1cc to the Government Pleader, S.R.No.65796

W.P.NO.1228 OF 2021

VG-II (CO)
PBS/28/01/2022