



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.09.2021
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 12054 of 2016

N. Chellappan

.. Petitioner

Versus

1. The District Collector
Kancheepuram District
Kancheepuram
2. The Tahsildar
Maduranthagam Taluk
Madhuranthagam
Kancheepuram District
3. The Block Development Officer
Madiurathagam Taluk
Kancheepuram District
4. The Sub Inspector of Police
G-10 Anaikattu Police Station
Pavunjur, Kancheepuram District
5. A. Arjunapillai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to stop the fifth respondent from damaging the Road in S.No.192/12 Murukkambakkam Village, Maduranthagam Taluk, Kancheepuram District and restore the damaged cement road to its original state, based on the petitioner's representation dated 05.02.2016 made to the 1 to 3 respondents

For Petitioner : Mr. A. Devnarendran
For Respondents: Mr. Stalin Abhimanyu
Government Counsel (for R1, R2, R4)
Mr. M. Dig Vijaya Pandian (for R3)
Mr. M. Arumugam (for R5)

ORDER

This Writ Petition has been filed praying to issue a Writ of Mandamus directing the respondents 1 to 3 to stop the fifth respondent from damaging the Road in S.No.192/12 Murukkambakkam Village, Maduranthagam Taluk, Kancheepuram District and restore the damaged cement road to its original state based on the petitioner's representation dated 05.02.2016 made to the respondents 1 to 3.



2. According to the Petitioner, he is the Ward Councillor of Murukkampakkam Vinayagar Koil Street. It is stated that the fifth respondent encroached upon the land comprised in S. No.192/12 which is a Government Poramboke. The petitioner therefore approached this Court by filing WP No.21580 of 2009, which was disposed of, by order dated 07.09.2010. Pursuant to the said order, the second respondent removed the encroachments made by the fifth respondent. Subsequently, when cement road was sought to be laid, the fifth respondent filed WP No. 23584 of 2013 and attempted to stop the laying of the road. This Court dismissed the said writ petition with an observation that the petitioner has no right to stop the work meant for public convenience. According to the petitioner, the fifth respondent, having failed in all his attempt, destroyed and removed a portion of the cement road measuring about 10 meters in length and 1 meter width on 31.01.2016 with the help of a JCB. In this context, the petitioner submitted a representation on 05.02.2016 to the respondents 1 to 3 to take action against the fourth respondent. However, the said representation has not been acted upon, hence, this Writ Petition.

3. Heard both parties. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the petitioner's representation dated 05.02.2016 and thereafter pass order on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, fifth respondent as well as any other interested parties, within a period of six weeks on receipt of a copy of this order.

4. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The District Collector
Kancheepuram District
Kancheepuram

2. The Tahsildar
Maduranthagam Taluk
Madhuranthagam
Kancheepuram District

<https://hcservices.ecourts.gov.in/hcservices/>
3. The Block Development Officer
Madiurathagam Taluk
Kancheepuram District



4. The Sub Inspector of Police
G-10 Anaikattu Police Station
Pavunjur, Kancheepuram District

WEB COPY

+1 cc to Mr.A. Devnarendran, Advocate Sr.NO. 44808
+1 cc to Government Pleader Sr.NO. 45195

WP No. 12054 of 2016

PCH (CO)
A.SK(13.10.2021)