



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16650 of 2016

and

W.M.P.Nos.14388 & 14389 of 2016

L.Rajendra Prasad

...Petitioner

Vs

1.The District Collector,
Thiruvallore District.

2.The Tahsildar,
Office of the Tahsildar,
Poonamallee,
Thiruvallore District - 602 024.

3.The Executive Engineer,
Thiruninravur Town Panchayat,
Thiruninravur - 602 024.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to Re-survey the entire extent of S.No.226 and consequently, restore the demolished petitioner's house bearing Door No.12, 2nd Street, Vatchalapuram, Thiruninravur, Thiruvallore District - 602 024, comprised in Paimash No.140 (Part), S.No.226/20, Thiruninravur Village, Poonamallee Taluk, Thiruvallore District, of an extent of 4420 sq.feet of a larger extent of 24 cents.

For Petitioner : Mr.S.Vijayan

For Respondents : Mr.K.M.D.Muhilan
Government Advocate
[For R1 & R2]
R3 - No appearance

O R D E R

The relief sought for in the present writ petition is to direct the respondents to Re-survey the entire extent of S.No.226 and consequently, restore the demolished petitioner's



house bearing Door No.12, 2nd Street, Vatchalapuram, Thiruninravur, Thiruvallore District - 602 024, comprised in Paimash No.140 (Part), S.No.226/20, Thiruninravur Village, Poonamallee Taluk, Thiruvallore District, of an extent of 4420 sq.feet of a larger extent of 24 cents.

2. The grievance of the writ petitioner is that while evicting the encroachers and during widening of the road, the respondents have demolished the portion of the house belongs to the petitioner and other persons residing in that locality. However, the fact remains that one Mr.V.Harikrishnan filed W.P.No.27171 of 2014 by way of a Public Interest Litigation before the Hon'ble Division Bench of this Court, seeking direction to the respondents to remove the encroachments on the 2nd Street, Vachalapuram, Tiruninravur Town Panchayat Union, as per F.M.B.in S.No.226 and directing the third respondent to lay drainage channel on the street. The Hon'ble Division Bench of this Court passed an order on 14.10.2014 in W.P.No.27171 of 2014, which reads as under:

"2. We thus call upon the first respondent to bestow their consideration on the representations and take action in accordance with law in case of encroachments being found on the road, after notice to the concerned parties. The action be taken and completed within a maximum period of three months from the date of receipt of the order and duly communicated to the petitioner."

3. The learned counsel for the petitioner strenuously contended that the eviction proceedings were initiated in a partial manner and all the encroachers are not evicted from the said locality.

4. The learned counsel for the petitioner also made a submission that the property belongs to certain powerful people in that area are left out and therefore, the authorities have not effected eviction in respect of all encroachments.

5. The specific grievances of the writ petitioner is that encroachments in northern side are yet to be evicted.

6. This Court is of the considered opinion that once eviction proceedings are initiated based on the orders of the Court, it must be implemented in an effective manner, so as to evict all the encroachers in that locality and utilize the public land for the purpose of public usage. If at all, the grievances of the petitioner exists as of now, the respondents are directed to look into the issues raised by the petitioner and complete the eviction of encroachments in all respects and take over the public land for the purpose of public usage.



7. Such an action is directed to be initiated within a period of six weeks from the date of receipt of a copy of this order. It is made clear that encroachers can never be spared as they are obstructing the public scheme. Thus, stern action in this regard is certainly warranted and duty mandate.

8. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Thiruvallore District.
- 2.The Tahsildar,
Office of the Tahsildar,
Poonamallee,
Thiruvallore District - 602 024.
- 3.The Executive Engineer,
Thiruninravur Town Panchayat,
Thiruninravur - 602 024.

+1cc to the Government Pleader, S.R.No.54633

W.P.No.16650 of 2016

AD(CO)
CB(01/11/2021)