

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.6561 of 2021

S.Mythili

.. Petitioner

-vs-

1. The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai- 600 001.
2. The Revenue Divisional Officer,
North Chennai, Tondiarpet,
Chennai - 600 081
3. The Tahsildar,
Thiruvottiyur,
Chennai - 600 019.
4. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance Section,
Nehru Bazaar Road,
Avadi,
Chennai - 600 054.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to remove the illegal encroachment made in Survey No.94/2A2, to an extent of 0.79.0 Ares, Main Road, Kasikoil Kuppam 2nd Street, Ernavur Village, Thiruvottiyur Taluk, Tiruvallur District by considering the petitioner's representation dated 02.03.2020.

For Petitioner

: Ms.J.Dhanalakshmi
for Mr.K.Suthan

For Respondents

: Mr.G.K.Muthukumar
Special Government Pleader

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy,J.)

The writ petitioner complains of alleged encroachments made in Survey No.94/2A2 at the Main Road, Kasikoil Kuppam 2nd Street, Ernavur Village, Thiruvottiyur Taluk, Tiruvallur District.

2. It is asserted that the said land belongs to the Highways Department. In spite of submitting representations on 01.02.2021 and 02.03.2020, it is submitted that no action has been taken on account of non-fixation of the boundary of the road concerned.

3. Learned Special Government Pleader submits that no action could be taken on the removal of encroachments on account of the fact that it is necessary to survey and fix boundaries before proceeding further in the matter as would be evident from the correspondence exchanged between the Tahsildar and the Assistant Divisional Engineer, Highways Department, which is contained in the typed set of papers.

4. Accordingly, without examining the merits of the representations of the petitioner, the third respondent is directed to conduct a survey and thereafter, respondents 3 and 4 are directed to consider the representations of the petitioner dated 01.02.2020 and 02.03.2020 and dispose of the same by a speaking order after providing a reasonable opportunity to all the affected parties. Such speaking order is directed to be passed within a period of three months from the date of receipt of a copy of this order.

5. W.P.No.6561 of 2021 is disposed of on the above terms. There will be no order as to costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

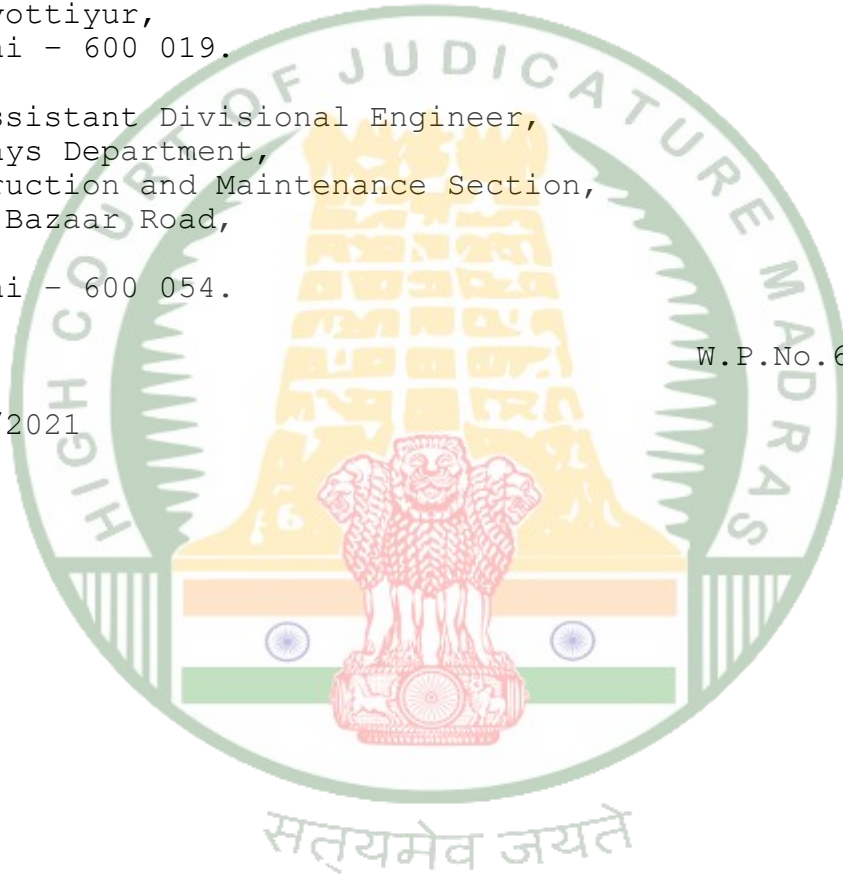
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To:

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SKY (CO)
CSR 26/03/2021

W.P.No.6561 of 2021



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