

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2021

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.7865 of 2021

Mrs.Thiruvani

.. Petitioner

Versus

1.The Collector,
Office of the Collectorate
Thiruvallur District,
Pin Code 602 001.

2.The District Revenue Officer,
Office of the Collectorate,
Thiruvallur District,
Pin Code 602 001.

3.The Revenue Divisional Officer,
O/o.of the Collectorate,
Thiruvallur District,
Pin Code 602 001.

4.The Superintendent of Police,
O/o.of the District Police,
Thiruvallur District,
Pin Code 602 001.

5.The Thasildar,
Modular City,
Deenadayalan Nagar,
Pattabiram, Chennai 600 054.

6.The Surveyor,
Modular City,
Deenadayalan Nagar,
Pattabiram, Chennai 600 054.

7.The Assistant Engineer,
Public Department,
Thiruvallur District,
Pin Code 602 001.

8.The President,
Nadukuthagai Panchayat,
Thiruninravur,
Thiruvallur District,
Pin Code 602 024.

9.S.Amudha

10.V.Soundhar

11.M.Murugesan

12.A.Mathiyazhagan

.. Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to consider his representation dated 18.02.2021 and consequently direct the respondents 1 and 8 herein to initiate appropriate action to remove the said encroachment it was vested with south side of his schedule property and as such to pass other order or orders as deem fit and proper in the circumstance of the case.

For Petitioner : Mr.M.Jayakumar
For RR 1 to 7 : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

The petitioner claims to be the owner of the land and building in Ramadosspuram, Kuthagai Village, Thiruninravur, Thiruvallur District, comprised in Old S.F.No.163/10, New S.F.No.163/10A2, vide patta no.2423, admeasuring an extent of 1318 sq.ft of land with superstructure having plinth area of 462 sq.ft along with other amenities, vide registered Sale Deed, vide Doc.No.8205 of 2017 dated 11.09.2017, registered on the file of the office of Sub Registrar, Avadi.

2. The learned counsel appearing for the petitioner would submit that on the southern side of the petitioner's property, there exist a 5 Feet public road. The primordial grievance expressed by the petitioner is that the private respondents had caused encroachment upon the said public road and put up an unauthorised structure and repeated representations as well as police complaint given in this regard have not invoked any kind of response and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Mr.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of the respondents 1 to 7 and would submit that in the light of the allegations, necessary inspection would be caused and depending upon the result of the same, appropriate action would be taken in accordance with law.

4. This Court, taking into consideration 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 5, 6 and 8 to cause joint inspection of the 5 feet road which lies southern side of the petitioner's property, which is morefully described in the schedule given in the above cited registered Sale Deed dated 11.10.2017, after putting the petitioner as well as the private respondents on notice, also with the aid of revenue records and if the result of the inspection, reveals any infraction or encroachment, either on the part of the petitioner or on the part of the private respondents or both or by somebody else, shall take immediate, necessary and appropriate action, in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten

weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, private respondents as well as any other persons concerned.

5. The Writ Petition stands disposed of with the above observations. No costs.

[M.S.N.,J] [A.A.N.,J.]
26.03.2021

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Internet: Yes /No
Index: Yes/ No

To

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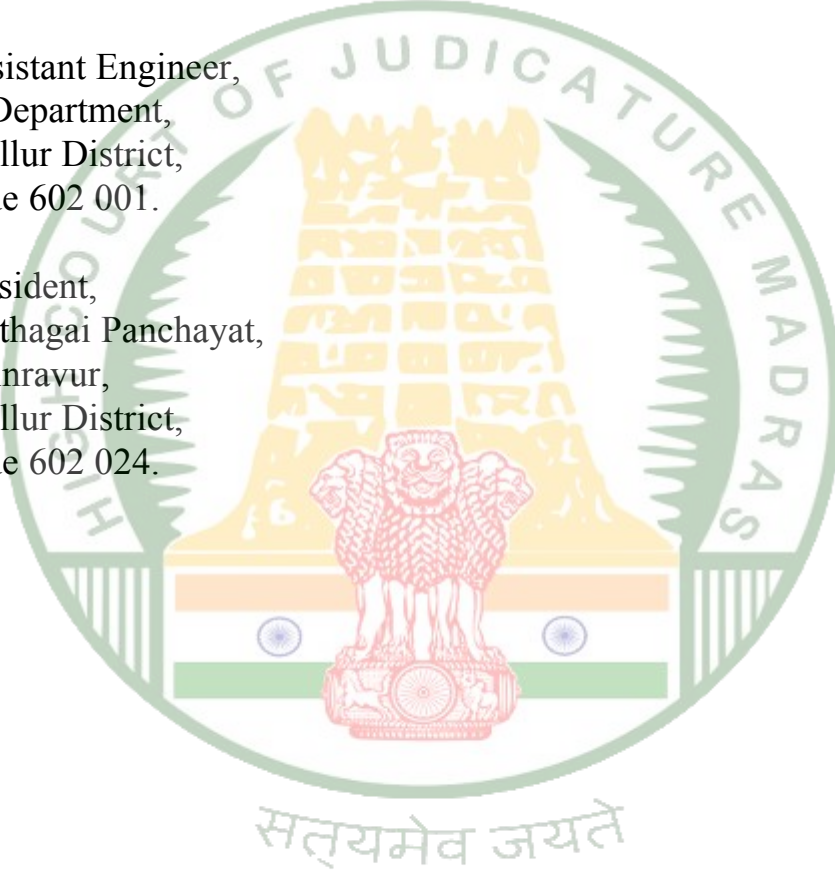
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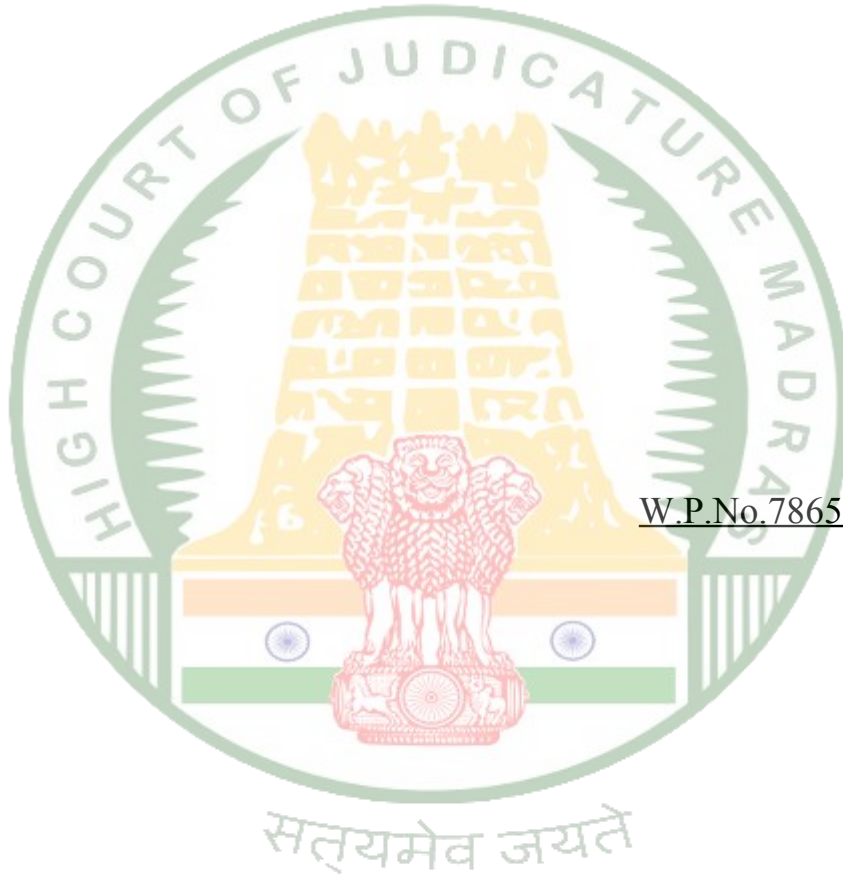


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