

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.13721 of 2021

Senthilkumar.D

...Petitioner

Vs

- 1 The District Collector
Chennai District Chennai
- 2 The Chief Engineer- Highways
Department Integrated Chief Engineers Office
Complex HRS Campus Guindy Chennai 32
- 3 The Superintending Engineer- Highways
O/o. Superintending Engineer(H) C and M
No.299 Anna Salai Chennai 6
- 4 The Commissioner
Greater Chennai Corporation Rippon Building
Raja Muthiah road Periyamet Chennai 3
- 5 The Tahsildar
Alandur Tahsildar Office St. Thomas Mount
Alandur Chennai 16
- 6 The Zonal Officer
Zone- XII Alandur Chennai 16
- 7 Mrs. Shanthi
- 8 Mr. Chandran
- 9 Mr. Sadiq Batcha

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 to 6 to consider and pass orders on the petitioners representation dated 17.09.2020 for initiating action against the encroachers the 7th 8th and 9th respondents herein in accordance with law within the time

stipulated by this Honble Court and to remove the encroachment in the main road in government land bearing Old Survey Nos.408/1 and New Survey No. 582/13 at Manapakkam Village Alandur Taluk Chennai District expeditiously in accordance with law.

For Petitioner : Mr.K.Balaji

For Respondents: Mr.P.Muthukumar,
Counsel for State,
for respondents 1 to 3 and 5

Ms.Karthikaa Ashok,
for respondents 4 and 6

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of alleged encroachment by respondents 7 to 9 on a public road in Old Survey No.408/1 and New Survey No.582/13 at Manapakkam Village, Alandur Taluk, Chennai.

2. The writ petitioner asserts that the aforesaid survey number is classified as a 'Government poramboke street' in the relevant revenue records. The adangal extract is cited to corroborate the said contention. It is also stated that a representation dated 17.09.2020 was submitted to the respondents herein and that no action has been taken in spite of such representation.

3. Mr.Muthukumar, learned counsel for the State accepts notice on behalf of respondents 1 to 3 and 5 and Ms.Karthikaa Ashok, accepts notice on behalf of respondents 4 and 6. Mr.Muthukumar states that the fifth respondent - Tahsildar, Alandur Taluk, will consider and dispose of the petitioner's representation.

4. Consequently, without examining the merits of the matter, the fifth respondent is directed to consider the representation dated 17.09.2020 of the petitioner and dispose of the same by a reasoned order after providing a reasonable opportunity both to the petitioner and to the private respondents herein. On account of the fact that the fifth respondent has been directed to hear the private respondents before deciding the matter, the writ petition is disposed of without notice to the private respondents. The fifth respondent shall pass the reasoned order within a period of eight weeks from the date of receipt of a copy of this order.

5. W.P.No.13721 of 2021 is disposed of on the above terms without any order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

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+1 CC to Mr.K. Balaji, Advocate sr 30642.
+1 CC to The Government Pleader sr 30835.

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RK(CO)
SP(05/07/2021)