



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 08.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.16178 of 2021

G.Muthu

.. Petitioner

Versus

1. The District Collector,
Collectorate Office,
Kancheepuram District.

2. The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.

3. The Block Development Officer,
Uthiramerur Village,
Kancheepuram District.

4. Mathiyazhagan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent particularly the first respondent to consider the petitioner's representation dated 23.02.2021 and give a suitable direction to the second and third respondent to pass an appropriate order to remove the illegal encroachment in Survey Nos.16/1 and 193/1, Chetpet Village, Uthiramerur Taluk, Kancheepuram District.

For petitioner : Mr.K.Manikandan

For respondents

for RR1 & 2 : Mr.T.N.C.Kaushik

for R4 : Mr.S.Vijayakumar



ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

WEB COPY The Writ Petition is heard through video conferencing.

2. This Writ Petition has been filed to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 23.02.2021 and remove the encroachment in Survey Nos.16/1 and 193/1 at Chetpet Village, Uthiramerur Taluk, Kancheepuram District.

3. The case of the petitioner is that he is residing at Survey Nos.16/1 and 193/1 in Chetpet Village, Uthiramerur Taluk, Kancheepuram District. The fourth respondent Mathiyazhagan is his neighbour and the owner of the property in Survey No.16/9. The petitioner would further state that the fourth respondent put up a compound wall in Survey No.16/1, which comes under Kulam Poramboke. He also encroached upon 101 sq.ft. of Poramboke vacant land in Survey Nos.16/1 and 93/1. Hence, he sent a representation to the respondents for removal of the encroachment.

4. The learned counsel appearing for the fourth respondent would submit that he has filed a suit O.S.No.13 of 2020 before the District Munsif, Uthiramerur against one Ekambaram and Rathinammal, for encroaching the property. The petitioner, who is the relative of the said defendants, has filed a complaint against the fourth respondent. He further added that pending Writ Petition, the fourth respondent already removed the compound wall.

5. The learned counsel appearing for the petitioner would state that the defendants in the suit are not the relative of the petitioner and the compound wall put up by the fourth respondent has not yet been removed.

6. In view of the above submissions, we appointed an Advocate Commissioner to ascertain whether the fourth respondent removed the compound wall or not. On 04.10.2021, the learned Advocate Commissioner filed a report stating that a portion of the compound wall has not yet been removed by the fourth respondent. Hence, the matter was adjourned.



7. Today, the learned counsel appearing for the fourth respondent produced photographs to show that the entire compound wall put up on the back side of the fourth respondent's house was removed.

8. In the light of the above fact, nothing survives for consideration in this Writ Petition. Accordingly, the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-LA)

// True Copy //

Sub Assistant Registrar

pvs

To

1. The District Collector,
Collectorate Office,
Kancheepuram District.
2. The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.
3. The Block Development Officer,
Uthiramerur Village,
Kancheepuram District.

+1CC to M/s.S.Vijaya Kumar, Advocate, SR.No. 53063

W.P. No.16178 of 2021

KSM(CO)
B.VC (02/11/2021)