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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 01.09.2021

CORAM:

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

W.P. No.15106 of 2021

N.Dhatchayani

.. Petitioner

Versus

1.The Additional Chief Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai 9.

2.The Commissioner of Municipal Administration,
MRC Nagar, Santhome, RA Puram, Chennai 28.

3.The Revenue Divisional Officer,
Tiruvallur, Tiruvallur District.

4.The Tahsildar,
Poonamallee Taluk, Tiruvallur District.

5.The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu, Chennai 77.

6.S.S.Muthukumar

.. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent Nos.1 to 5 to consider the representation dated 28.12.2020 made by the petitioner herein to remove the encroachments made by the 6th respondent on the public road property situated in S.No.140/1(part) and S.No.140/55, Sri Lakshmi Stores, in Door No.56, Pillaiyarmada Thangal Road, Movendar Nagar, Phase-I, Noombal Village, Poonamallee Taluk, Tiruvallur District and pass appropriate orders within stipulated time period as may be fixed by this Court.



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For petitioner : Mr.Sathish
for Mr.T.Sundaravadanam

For respondents
for RR1 to 4: Mr.D.Ravichander, AGP (Pondicherry)
for R5 : Mr.P.Srinivas
For R6 : Notice Served, No Appearance

ORDER

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

The Writ Petition is heard through video conferencing.

2. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 3 to consider the representation dated 28.12.2020 made by the petitioner to remove the encroachments made by the sixth respondent on the public road property in S.No.140/1(part) and S.No.140/55, Sri Lakshmi Stores, in Door No.56, Pillaiyarmada Thangal Road, Movendar Nagar, Phase-I, Noombal Village, Poonamallee Taluk, Tiruvallur District.

3. The petitioner would state that she purchased a land measuring 598 sq.ft. in Survey No.140/1(part) for a sum of Rs.5,10,000/- from one R.Anbazhagan through his power agent S.S.Muthukumar/sixth respondent herein. It is alleged that the sixth respondent is a builder, who not only encroached the public road but also the land of the petitioner.

4. Heard Mr.Sathish, learned counsel appearing for Mr.T.Sundaravadanam, learned counsel for the petitioner, Mr.D.Ravichander, learned Additional Government Pleader for the respondents 1 to 4 and Mr.P.Srinivas, learned counsel for the fifth respondent and perused the materials available on record.

5. The learned counsel appearing for the petitioner would state that the representation of the petitioner dated 28.12.2020 was not acted upon by the official respondents, hence, it would suffice to direct the fifth respondent to consider and pass orders on the said representation.

6. The learned Standing Counsel appearing for the fifth respondent would state that if it is found that the sixth respondent encroached any public road, the fifth respondent is ready to take action to remove the encroachment.

7. In the light of the prayer sought for and the submissions of the learned counsels appearing on either side, we hereby direct the fourth respondent to conduct survey in the disputed area after issuing notice to the petitioner as well as the sixth



respondent within a period of four weeks. If any encroachment is found, the fifth respondent is hereby directed to act upon the report of the fourth respondent and remove the encroachment in accordance with law.

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8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The Additional Chief Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai 9.
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Tiruvallur District.
- 5.The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu, Chennai 77.

+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.44096

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NMI (CO)
CB(20/09/2021)