



WEB COPY

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.15939 of 2021

V.Ramanujam

.. Petitioner

Versus

- 1.The District Collector,
Kanchipuram District.
- 2.The Revenue Divisional Officer,
The Collectorate Office Building,
Kanchipuram District - 600 501.
- 3.The Block Development Officer,
Kundrathur Panchayat,
Padappai 602 301.
- 4.Deva Xavier
- 5.The Tahsildar,
Kundrathur

.. Respondents

[R5, suo motu impleaded by this Court vide order
dated 03.08.2021 in WP.No.15939 of 2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the representation dated 26.02.2021 submitted to restore the road to the original size by removing the encroachment.

For petitioner : Mr.S.Mohan

For respondents

for RR1, 2 and 5 : Mr.C.Jayaprakash, Govt. Counsel

for R3 : No Appearance

for R4 : Mr.D.Vijayan



WEB COPY

ORDER

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

The Writ Petition is heard through video conferencing.

2. The prayer in the Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the representation of the petitioner dated 26.02.2021.

3. It is the case of the petitioner that by virtue of settlement deed dated 13.09.2010, he become the absolute owner of the property bearing plot No.19 having an extent of 850 sq.ft. in Survey Nos.128/7 and 131 at Srinivasapuram Village, Sriperumbudur Taluk.

4. The grievance expressed by the petitioner is that the fourth respondent, who is the owner of the plot No.13 has encroached upon the public road and causing hindrance to the public. Despite the representation to the respondents, no action has been taken to remove the enroachment.

5. Mr.C.Jayaprakash, learned Government Counsel appearing for the respondents 1, 2 and 5 would state that the competent authority is the concerned Tahsildar and he has been impleaded as fifth respondent and if a representation is given to the fifth respondent, he is ready to take action in accordance with law.

6. It is the submission of the learned counsel appearing for the fourth respondent Mr.D.Vijayan, that the private respondent has constructed the building within his area and there is no encroachment.

7. In the light of the above submissions of the learned counsels appearing on either side, this Court without expressing any opinion on the merits of the case, directs the petitioner to give fresh representation to the fifth respondent/the Tahsildar, Kundrathur, by enclosing a copy of this order, within a period of four weeks. On such receipt, the fifth respondent shall consider the same and take action in accordance with law, after providing opportunity to the necessary parties, within a period of twelve weeks, therefrom.



WEB COPY

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

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

1. The District Collector,
Kanchipuram District.
2. The Revenue Divisional Officer,
The Collectorate Office Building,
Kanchipuram District - 600 501.
3. The Block Development Officer,
Kundrathur Panchayat,
Padappai 602 301.
4. The Tahsildar,
Kundrathur

+1CC to M/s.S.Mohan, Advocate, SR.No. 44528
+1CC to The Government Pleader, SR.No. 44563

W.P. No.15939 of 2021

SPD(CO)
B.VC (20/09/2021)