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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 25.08.2021

CORAM:

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

W.P. No.17490 of 2021 &
W.M.P.Nos.18575 & 18576 of 2021

B.Sivakumar

..Petitioner

Versus

1.The District Collector,
Kancheepuram District.

2.The Tashildar,
Kundrathur Taluk,
Kancheepuram District,
Kundrathur, Chennai - 69.

3.The Executive Officer,
Kundrathur Town Panchayat,
Kancheepuram District,
Kundrathur, Chennai - 69.

4.Veeraraghavan @ Puudi

5.Jothi

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the official respondents to remove the encroachment in public land (Kalam Poramboke) in S.No.1114, Kundrathur A Village, Kundrathur Town Panchayat, Kancheepuram District.

For petitioner : Mr.B.Manoharan
For respondents : Mr.K.V.Sajeev Kumar
Government Advocate for R1 and R2

Mr.M.Venkateswaran
Government Advocate for R3



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 Writ of Mandamus, directing the official respondents to remove the encroachment in S.No.1114 of Kundrathur A Village, Kundrathur Town Panchayt, Kancheepuram District.

3. The petitioner would state that he is a native of Kundrathur Town and he shifted to Pattabiram for employment. He was periodically visiting his village for agricultural activity. While so, he found some third parties have encroached the land in S.No.1114 of Kundrathur Village, classified as 'common Kalam'. Hence, he made a complaint on 09.12.2019 to the respondents 1 to 3. The first respondent, on receipt of representation, forwarded the same to the second respondent on 02.01.2020, but thereafter, no action was taken by the official respondents.

4. Mr.K.V.Sajeev Kumar, learned Government Advocate appearing for the respondents 1 and 2 and Mr.M.Venkateswaran, learned Government Advocate appearing for the third respondent would state that on the basis of representation of the petitioner, the second respondent visited the spot and found that the land belong to the Government has been encroached by the private parties. It is further submitted that the second respondent will initiate proceedings to evict the encroachers. A letter of the Executing Officer, Kundrathur Town Panchayat in Na.Ka.No.1442/2021, dated 23.08.2021 is submitted to show that six persons have encroached in the Government land.

5. In the light of the above facts, this Court without going into the merits of the case, directs the second respondent to take appropriate action on the representation of the petitioner, dated 09.12.2019, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to all the necessary parties.

6. It is represented by the learned counsel for the petitioner that the encroachers are putting up constructions. Photographs have been annexed in the typed set to establish the same. In the light of the above fact, the encroachers shall not proceed with the construction till a final decision is taken by the second respondent.



7. With the above directions, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

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s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Kancheepuram District.

2.The Tashildar,
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Kancheepuram District,
Kundrathur, Chennai - 69.

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+1 CC to Mr.M.Venkateswaran , Advocate sr 42537.

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RR(CO)
SP(14/09/2021)