



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

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

W.P.NO.20014 OF 2021

K.Jeeva

... Petitioner

Versus

1. The District Collector,
Cuddalore District,
Cuddalore, Tamilnadu.
2. The Tahsildar,
Office of the Tahsildar,
Chidambaram Taluk,
Cuddalore District,
Tamilnadu.
3. The Assistant Engineer,
(Construction and Maintenance),
State High Way, Highways Department,
Sirkali Main Road,
Chidambaram - 608 001,
Tamil Nadu.
4. The Executive Engineer,
(Constructive and Operation),
Tamil Nadu Electricity Board,
Chidambaram, Tamilnadu.
5. Rathinasami
6. Vallaiutham

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment (petty shops) made by the respondents 5 & 6 on the State Highway Survey No.36 at Parathur North Village, and disconnect the electricity service connection to the aforesaid petty shops, considering the petitioner's representation dated 18.01.2021, within a stipulated time.



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For petitioner : Mr.P.R.Thiruneelakandan

For respondents

For RR1 to 3 : Mr.T.N.C.Kowshick
Counsel for State

For R4 : Mr.Jaivenkatesh

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 respondents respondents 1 to 4 to remove the encroachment made by the respondents 5 & 6 on the State Highway in Survey No.36 at Parathur North Village, by considering his representation dated 18.01.2021, within a stipulated time.

3. The petitioner would claim that he is the owner of the house site measuring an extent of 3608 sq.ft. in Survey No.399/4 situated at Parathur North Village, Chidambaram Taluk. It is his further case, that the Highway is running in Survey No.36, which is the margin of the petitioner's property and it has been encroached by the respondents 5 and 6.

4. The learned counsel for the petitioner Mr.P.R.Thiruneelakandan, would state that in view of the encroachment made by the respondents 5 and 6, access to the petitioner's property has been totally blocked, hence, he sent a representation to the authorities to remove the encroachment, but no action has been taken. Therefore, the present petition is filed.

5. He further added that the petitioner would be satisfied, if a suitable direction is issued to the third respondent to take action on the basis of his representation in a time frame.

6. The learned Government Counsel appearing for the respondents 1 to 3 Mr.T.N.C.Kowshick would state that the official respondents have received representation from the petitioner and also found encroachment by the private respondents, hence, they are ready to take action in accordance with law.



7. In the light of the prayer sought for in the petition and the submissions of the learned Government Counsel appearing for the respondents 1 to 3, this Court, without going into the merits of the matter, directs the third respondent to take appropriate action on the basis of the representation of the petitioner in accordance with law, after affording ample opportunity to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
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Cuddalore, Tamilnadu.
2. The Tahsildar,
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4. The Executive Engineer,
(Constructive and Operation),
Tamil Nadu Electricity Board,
Chidambaram, Tamilnadu.

+lcc to Mr.Jaivenkatesh, Advocate, S.R.No.48122

+lcc to the Government Pleader, S.R.No.48229

W.P.NO.20014 OF 2021

PMK(CO)
PBS/11/10/2021