

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 22.02.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.17935/2018 & WMP.No.21238/2018

[Video Conferencing]

G.Srikanth

.. Petitioner

Versus

- 1.The District Collector
Dharmapuri District
Dharmapuri.
- 2.The Personal Assistant to
District Collector,
[Panchayat Development]
Dharmapuri District
Dharmapuri.
- 3.The Tahsildar
Dharmapuri Taluk
Dharmapuri District.
- 4.The President/Special Officer
Ilakkampatti Village Panchayat
Ilakkampatti, Dharmapuri.
- 5.Village Administrative Officer
Virupakshipuram Village
Ilakkampatti Village Panchayat,
Ilakkampatti
Dharmapuri 636 705.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents herein to remove all the encroachments at 20 Feet Panchayat Road, at Agri Nagar, TNHB Quarters, Off Vennampatti Road, Virupakshipuram Village, Ilakkampatti Panchayat, Dharmapuri Taluk and to level the said road to its original dimensions with uniform height throughout and to ensure proper maintenance of the same without any tampering or encroachment thereon and initiate appropriate action against the offenders within a limited time frame.

For Petitioner : M/s.Priya Ravi
For RR 1 to 5 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

- (1) The petitioner claims to have purchased a housing plot admeasuring to an extent of 1200 sq.ft., in Indra Nagar Layout in S.No.383 and later on sub-divided as 383/1-D, Virupakshipuram Village, Ilakkampatti Village Panchayat, Dharmapuri District, vide registered Sale Deed dated 06.03.1998 bearing Doc.No.630/1998 on the file of the Sub Registrar Office, Dharmapuri. The petitioner subsequently, applied for Housing Loan and put up a superstructure and it has been assigned with Door No.1/1197, Off Vennampatti Main Road, Agri Nagar, TNHB Quarters, Virupakshipuram Village, Dharmapuri Taluk and District.
- (2) The petitioner was aggrieved by the fact of recent constructions by the neighbouring plot owners and they have abnormally increased the foundation and in the process, also started putting up the constructions encroaching upon the road margin and also caused other nuisances and in this regard, the petitioner has also submitted a detailed representation dated 20.06.2016 to the 1st respondent praying for appropriate direction and in spite of receipt and acknowledgment of the said representation, the respondents did not care to initiate any action whatsoever and therefore, is constrained to approach this Court by filing this writ petition.
- (3) The writ petition was entertained and vide order dated 17.07.2018, the petitioner was directed to produce the Planning Permission for having put up a superstructure.
- (4) The 4th respondent has filed a counter affidavit dated 04.10.2018 and took a stand that the plot purchased by the petitioner lies in an unapproved layout and it has to be regularised u/s.113(c) read with 122 of the Town and Country Planning Act, 1971, and it is further pointed out that the petitioner himself is one of the encroachers as he has encroached upon 20 feet road by constructing an unauthorised concrete ramp for the length of 5 feet and action is being taken in accordance with law.
- (5) The petitioner has filed a rejoinder denying the same and also took a stand with regard to the alleged ramp encroaching upon the public road, the petitioner has not been served with any notice.

(6)The 4th respondent has filed a Status Report dated Nil.2021 and in paragraph NO.5, would aver that the petitioner along with two others, viz., Tmt.Premavathi, W/o.Sidharamalingam and Thiru.Nazimuddin Babu,S/o.S.A.Hamad, had encroached upon the 20 feet of the panchayat common road, thereby obstructing free flow of traffic and after following due process of law, it came to be removed on 18.02.2021 and the road has been restored to its original condition.

(7)The learned counsel for the petitioner would submit that in the light of the said development, as stated in the Status Report dated Nil.2021, nothing remains for further adjudication in this writ petition. So also Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents would submit that since the encroachment has been removed and the public road has been restored to its original condition, this Court may pass appropriate orders.

(8)This Court has considered the rival submissions and also perused the materials placed before it.

(9)It is relevant to extract paragraph No.5 of the Status Report of the 4th respondent dated 2021:-

'5.I respectfully submit that based on the field inspection, the 3rd respondent herein submitted his Report Roc.No.236/2018/A1 dated 25.07.2018 ['Inspection Report'] to the 1st respondent herein. I submit that based on the Inspection Report, it was found that the petitioner herein along with 2 other people, namely, Tmt.Premavathi wife of Sidharamalingam and Mr.Nazimuddin Babu son of S.A.Hamad ['Encroachers'] had encroached upon the 20 feet panchayat common road and had been obstructing the free flow of traffic by building their house entrance pavement in the 20 feet panchayat road.'

(10)The Status Report of the 4th respondent dated Nil.2021, has not been seriously disputed by the petitioner and therefore, nothing remains for further adjudication in this writ petition. However, it is made clear that the official respondents are under obligation to see to that, there are no re-encroachments/fresh encroachments upon the said public road.

(11) In the result, the writ petition is closed with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

ap
To

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Dharmapuri.
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+1 cc to the Government Pleader sr10725

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WP.No.17935/2018

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