



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

WRIT PETITION NO.21629 OF 2021

K.Chinnammal

... Petitioner

.Vs.

1. The District Collector,
Namakkal District, Namakkal.
2. The District Revenue Officer,
Namakkal District, Namakkal.
3. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
4. The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
5. The Block Development Officer,
Elachipalayam Union, Namakkal
District.
6. M.Ambedkar
7. Saradha
8. Vijaya

... Respondents

PRAYER:- Petition under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing respondents 1 to 4 to initiate necessary action to evict the encroachment done by respondents 6 to 8 on the mud road located in S.Nos.242, 433, 420, 422, 423/5, 415, 414/4, 405/1, 405/2 and 406 of Ilupuli Village, Tiruchengode Taluk.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents 1 to 5 : Mr.P.Muthukumar,
State Government Pleader



Order of the Court was made by T.S.SIVAGNANAM, J

We have heard Mr.E.P.Senniayangiri, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader accepting notice for respondents 1 to 5. In view of the limited nature of the relief this Court proposes to grant, notice to respondents 6 to 8 is dispensed with and the writ petition itself is taken up for final disposal.

2. This writ petition has been filed as a public interest litigation alleging that there is an encroachment in a public road by the private respondents and in this regard, representations have been given by the petitioner. Alleging that no action has been taken by the Authorities, the petitioner is before this Court.

3. We find that the representation given by the petitioner has been taken into consideration and the law has been set in motion. We do not agree with the petitioner that the official respondents have not taken any action. In fact, the latest communication of the District Collector, Namakkal to the Revenue Divisional Officer, Tiruchengode and the Tahsildar, Tiruchengode is dated 20.7.2021.

4. Considering the present circumstances and more particularly the local body elections have also been announced, reasonable time has to be given to the Authorities. Since we are disposing of the writ petition without notice to the private respondents, we refrain from making any observations with regard to the allegation made by the petitioner that there is an encroachment and leave it open to the Authorities to take a decision in the matter.

5. Accordingly, the writ petition is disposed of by directing respondents 4 and 5 to cause an inspection of the property in question and measure the same and if there is any encroachment made in a public road, action shall be initiated under the relevant statute after notice to respondents 6 to 8, who are alleged to be the encroachers. This direction shall be complied with within 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

RS



To

1. The District Collector,
Namakkal District, Namakkal.
2. The District Revenue Officer,
Namakkal District, Namakkal.
3. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
4. The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
5. The Block Development Officer,
Elachipalayam Union,
Namakkal District.

+1cc to Mr.E.P.Senniyangiri, Advocate, S.R.No.52972
+1cc to the Government Pleader, S.R.No.53153

W.P.NO.21629 OF 2021

RSI (CO)
PBS/27/10/2021